

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: EDUARDO ALVARADO) OEIG Case #17-01670

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (Commission) to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Commission received this report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission, pursuant to 5 ILCS 430/20-52, redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Executive Inspector General for the Governor, and to Eduardo Alvarado at his last known address.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

I. ALLEGATIONS AND EXECUTIVE SUMMARY

On August 17, 2017, the OEIG received an anonymous complaint regarding Illinois Department of Public Health (IDPH) HIV/AIDS Section Chief Eduardo Alvarado. The complaint alleged that Mr. Alvarado was sexually inappropriate with members of IDPH staff, had previously been found guilty of sexual misconduct with a patient and lost his medical license, and was accused of and counseled for inappropriate behavior with members of the National Alliance of State and Territorial AIDS Directors (NASTAD).¹ Because the OEIG determined that IDPH received similar complaints about Mr. Alvarado, this investigation also examined how IDPH addressed those complaints.

On June 19, 2018, the OEIG received another anonymous complaint regarding Mr. Alvarado.² This complaint alleged that Mr. Alvarado abused State time by coming in late to work or not coming in at all, without taking paid time off.

¹ Based on information provided in interviews regarding the other allegations, this investigation was expanded to include allegations that Mr. Alvarado was verbally abusive to members of IDPH staff.

² This complaint was originally assigned OEIG case number 18-01297 but was closed into this investigation. This complaint also alleged that [unfounded allegations redacted] and that Mr. Alvarado took a State car from Springfield

Based on its investigation, the OEIG found that Mr. Alvarado has been sexually inappropriate and verbally abusive to IDPH employees and other colleagues, failed to disclose his prior termination, and habitually failed to attend work without using benefit time or recording his arrival at work earlier than his actual arrival time without using benefit time.

II. BACKGROUND

IDPH strives to protect the health and wellness of the people of Illinois through the prevention, regulation, and control of disease and injury, as well as through health promotion.³ On July 1, 2014, Mr. Alvarado was hired as an Epidemiologist & Data Manager in IDPH's Office of Women's Health and Family Services. In November 2015, Mr. Alvarado was temporarily hired into his current role as the HIV/AIDS Section Chief in the Division of Infectious Disease; on March 16, 2016, Mr. Alvarado was permanently promoted to that position.

As Section Chief, Mr. Alvarado is responsible for managing the HIV/AIDS Section staff and overseeing all HIV programs, grants, contracts, and services funded by IDPH for the State of Illinois. Mr. Alvarado works out of the IDPH office located at 122 S. Michigan Avenue, in Chicago and travels to the Springfield IDPH office located at 525-535 W. Jefferson approximately once a month.

There are approximately 52 employees who work in the HIV/AIDS Section with the following employees reporting directly to Mr. Alvarado:

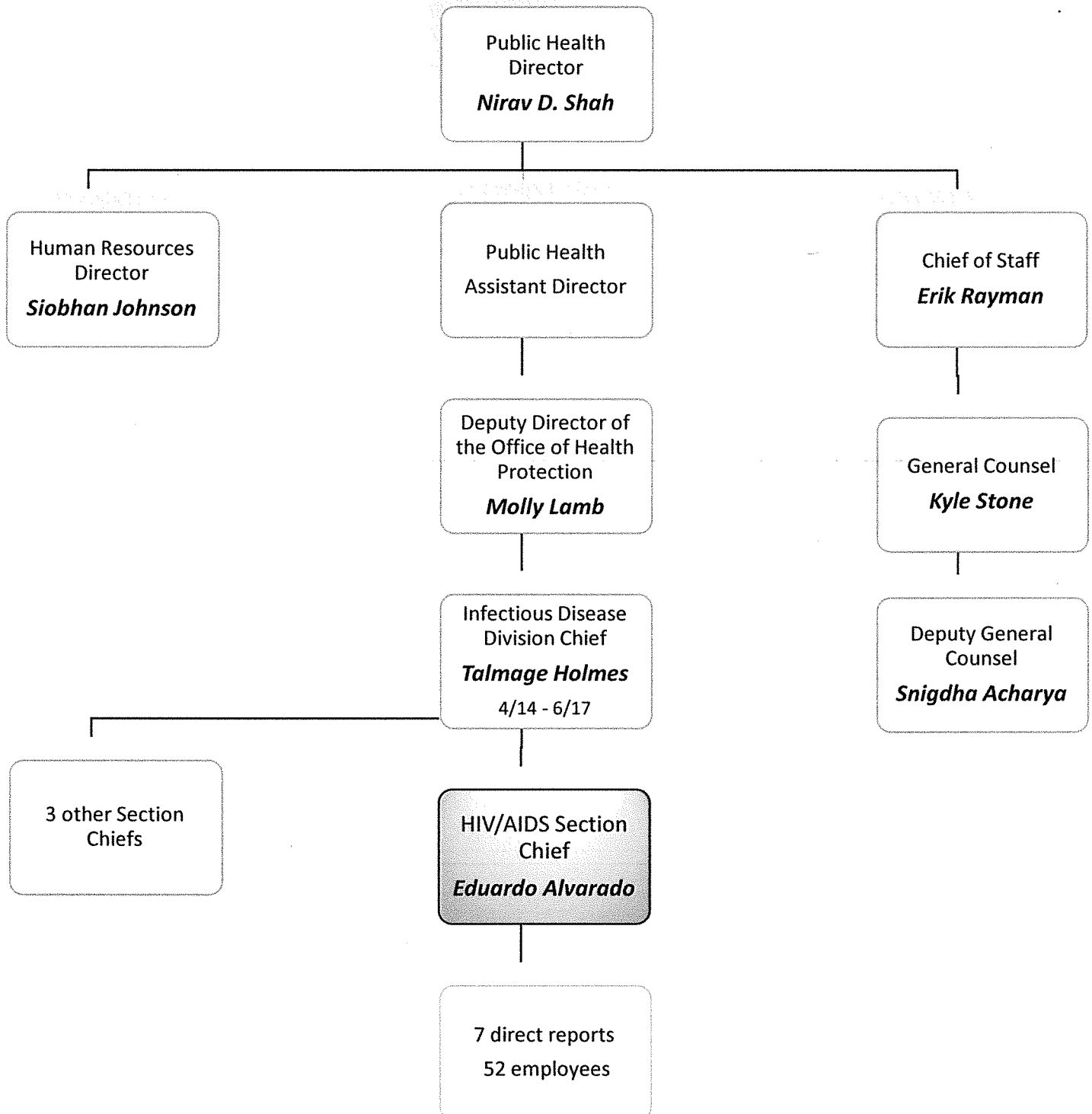
- Assistant Section Chief Andrea Danner,
- Ryan White/ADAP Administrator Jeffrey Maras,
- Planning Group Administrator Janet Nuss,
- HIV Surveillance Administrator Cheryl Ward,
- HIV Prevention Administrator Curtis Hicks, and
- two administrative staff.

Since August 2018, Mr. Alvarado has reported to Division Chief of Infectious Disease Heidi Clark. Prior to Ms. Clark's hiring, Mr. Alvarado reported to Talmage Holmes and then, while the Division Chief position was vacant, to Deputy Director for the Office of Health Protection Molly Lamb. Below is an organizational chart showing the positions held by some of the employees interviewed during this investigation; the chart is based on information obtained and interviews conducted during this investigation.

to Chicago for personal use. During the investigation, the OEIG received conflicting information regarding [unfounded allegations redacted], thus, there is insufficient evidence to substantiate the allegation. The OEIG learned that IDPH investigated Mr. Alvarado's use of the State vehicle and disciplined Mr. Alvarado with a seven-day suspension, in part, for that conduct. Thus, this report will not address that allegation further.

³ See <http://www.dph.illinois.gov/about-ipdh> (last visited April 15, 2019).

Illinois Department of Public Health



III. INVESTIGATION

A. Allegations Of Eduardo Alvarado's Sexual Harassment

Instances of Inappropriate Conduct in the Workplace

As part of the investigation of allegations of sexual harassment, the OEIG interviewed numerous IDPH employees who worked with or for Mr. Alvarado as well as relevant community members who had contact with Mr. Alvarado. The below interview summaries set forth more details from those interviews.

1. Interview of IDPH [Employee 1]

On March 15, 2018 and June 8, 2018, the OEIG interviewed [Employee 1], [identifying information redacted]. [Identifying sentence regarding IDPH organizational hierarchy redacted]. [Employee 1] stated that, while Mr. Alvarado primarily works in Chicago, he comes to Springfield at least once each month, and she often interacts with him when he is in Springfield. [Employee 1] categorized her relationship with Mr. Alvarado as very positive and professional and stated that she, personally, has never had an inappropriate interaction with Mr. Alvarado. When asked if she has witnessed Mr. Alvarado act inappropriately with other employees, however, she described him as "touchy-feely" and reported that he gives hugs. [Employee 1] stated she has also witnessed Mr. Alvarado kiss IDPH employees, grantees, and other professional colleagues on the lips in the IDPH office and at conferences. For example, [Employee 1] stated she witnessed Mr. Alvarado kiss IDPH [Employee 2] on the lips in the office during the work day. [Employee 1] stated she believes this behavior is "strange." [Employee 1] indicated that other employees have witnessed Mr. Alvarado kiss people on the lips at the office and have told her that they find it odd.

2. Interview of IDPH [Employee 3]

On March 20, 2018, OEIG investigators interviewed [Employee 3], [identifying information redacted]. [Employee 3] stated that she reports directly to [identifying information redacted]. [Employee 3] confirmed that Mr. Alvarado splits his time between Chicago and Springfield and stated that [identifying information redacted]. When asked whether she has ever witnessed Mr. Alvarado display any sexually inappropriate behavior at work, [Employee 3] stated that in or about October 2016, she witnessed Mr. Alvarado kiss two colleagues from the Chicago Department of Public Health on the mouth after an annual meeting between the IDPH and Chicago Department of Public Health at the Center on Halsted in Chicago. [Employee 3] stated that she was shocked that occurred in a meeting and noted that "it was not after five," but she reported that the two colleagues seemed "okay with it." [Employee 3] stated that she mentioned this incident to [Employee 5] and told [Employee 5] that it made her uncomfortable. [Employee 3] reported that [Employee 5] agreed that this behavior was inappropriate, but that [Employee 5] did not say whether she would speak with Mr. Alvarado about the incident.

[Employee 3] also reported that Mr. Alvarado has inquired on several occasions whether she knew the sexual orientation of certain IDPH employees and in 2016, Mr. Alvarado asked whether she thought a particular HIV/AIDS Section employee, was "hot." [Employee 3] stated that also in 2016, Mr. Alvarado offered to bring an "International Men of Leather" catalog into the

office so that her husband could pick out a thong to wear to the beach, and on another occasion, he commented that it was “cool” that her husband had a “man crush” on the performer Prince. [Employee 3] explained that these comments bothered her. [Employee 3] stated that while any of these comments on their own may be inconsequential, Mr. Alvarado had made lots of comments. [Employee 3] added that when she feels the topic is going in an uncomfortable direction with Mr. Alvarado, she has an excuse prepared so that she can leave the conversation.

3. Interview of IDPH [Employee 6]

On March 20, 2018, the OEIG interviewed [Employee 6] [Identifying information redacted]. [One identifying sentence redacted]. [Employee 6] reported that Mr. Alvarado asked his opinion of employees in the IDPH office and made comments to [Employee 6] regarding the “hot” looks of the same employee [Employee 3] discussed in her interview.

4. Interview of IDPH [Employee 2]

On June 27, 2018, the OEIG interviewed [Employee 2], [identifying information redacted]. [Employee 2] stated that he [identifying information redacted] sees Mr. Alvarado approximately once a month. [Employee 2] stated he does not have a social relationship with Mr. Alvarado and primarily interacts with Mr. Alvarado at work [identifying information redacted]⁴. According to [Employee 2], Mr. Alvarado is the co-chair of [identifying information redacted] and [Employee 2] interacts with him frequently at meetings, which are held over teleconference.

[Employee 2] characterized Mr. Alvarado as an affectionate person and a “hugger” and stated he saw Mr. Alvarado kiss his ([Employee 2’s]) supervisor [Employee 4] on the lips in the office. [Employee 2] reported that Mr. Alvarado has also greeted him with a kiss on the lips once or twice in the IDPH office. [Employee 2] stated that after the first couple of times Mr. Alvarado kissed him on the lips, he began to turn his head to avoid Mr. Alvarado’s kiss because it made him feel uncomfortable. [Employee 2] stated, however, that he never told Mr. Alvarado that he was uncomfortable with Mr. Alvarado greeting him with a kiss on the lips because he did not want to be rude or embarrass Mr. Alvarado. [Employee 2] said he did not tell a supervisor or anyone else at IDPH that he was uncomfortable with Mr. Alvarado kissing him on the lips. [Employee 2] indicated that he did not find Mr. Alvarado’s behavior threatening but stated that he does not believe kissing people at work was appropriate behavior.

5. Interview of IDPH [Employee 4]

On July 2, 2018, OEIG investigators interviewed [Employee 4], [identifying information redacted]. [Employee 4] is [identifying information redacted]. [Employee 4] stated he interacts with Mr. Alvarado approximately every other week at the IDPH [identifying information redacted] “check in” meetings for senior staff conducted either by phone or in the Springfield office; [Employee 4] reported he also discusses program issues with Mr. Alvarado or other HIV/AIDS Section employees every “couple of months.” [Employee 4] stated he considers Mr. Alvarado a “coworker friend” because he rarely interacts with Mr. Alvarado outside of work but has socialized with Mr. Alvarado.

⁴ [Redacted].

When asked whether he had ever experienced an incident where Mr. Alvarado acted inappropriately, [Employee 4] reported that Mr. Alvarado greets him with a hug or a kiss, sometimes on the lips. [Employee 4] opined that it was not appropriate to greet someone with a kiss on the lips in the workplace but stated it did not make him feel uncomfortable when Mr. Alvarado greeted him in that manner. [Employee 4] reported that Mr. Alvarado greets other people with a hug and a kiss on the lips; [Employee 4] stated he witnessed Mr. Alvarado greet [Employee 2] in this way. According to [Employee 4], [Employee 2] told [Employee 4] that he was uncomfortable with Mr. Alvarado kissing him on the lips. [Employee 4] reported that he and his staff decided that if anyone was uncomfortable with the way Mr. Alvarado greeted them, they should address it with Mr. Alvarado and inform [Employee 4] so he can assist them in dealing with it. [Employee 4] stated he did not report to IDPH Deputy Director Molly Lamb⁵ or anyone else about Mr. Alvarado greeting coworkers with a kiss on the lips. [Employee 4] stated he could not recall Mr. Alvarado making any inappropriate statements.

6. Interview of IDPH [Employee 5]

On July 2, 2018, OEIG investigators interviewed [Employee 5], [Identifying information redacted]. [Two identifying sentences redacted]. [Employee 5] stated she considered Mr. Alvarado her friend, although they rarely socialize outside of the office.

[Employee 5] reported that several of her subordinates, including former IDPH [Employee 7], [Employee 1], and former HIV/AIDS Section employee [Employee 8], told her they were uncomfortable with Mr. Alvarado hugging them; [Employee 5] stated she told them that if they were uncomfortable with it they needed to address that with Mr. Alvarado but offered to help them do so. [Employee 5] stated she had witnessed Mr. Alvarado kiss professional colleagues, including Chicago Department of Public Health [Official 1]; [Employee 4]; [CDPH Employee 1], an employee of CDPH; and [Not-For-Profit Official], on the lips in greeting at professional meetings outside of IDPH's offices. For example, [Employee 5] explained she witnessed this behavior at community planning meetings for the "Getting to Zero" initiative,⁶ the Illinois HIV community planning group, the HIV conference in Springfield, and the NASTAD⁷ conference in 2016. [Employee 5] reported that Mr. Alvarado greets her with a hug. [Employee 5] stated this behavior does not make her uncomfortable, but she does not believe it is appropriate to greet people with a kiss on the lips in the workplace.

7. Interview of IDPH [Employee 9]

⁵ On June 7, 2018, the OEIG interviewed Molly Lamb, the Deputy Director of IDPH's Office of Health Protection who supervised Mr. Alvarado for over one year. Ms. Lamb stated she had never heard of any inappropriate conduct by Mr. Alvarado and had never witnessed him greet IDPH employees, or other professional colleagues, with a kiss on the lips. She stated Mr. Alvarado hugs people in greeting and acknowledged that "not everyone tolerates that the same" but stated she does not find hugging inappropriate.

⁶ The "Getting to Zero" initiative is a ten-year plan to dramatically impact the HIV epidemic by reducing new HIV infections. See <http://www.dph.illinois.gov/topics-services/diseases-and-conditions/hiv-aids/getting-zero> (last visited April 15, 2019).

⁷ As described in further detail later in this report, the National Alliance of State and Territorial AIDS Directors (NASTAD) is a non-profit organization that represents public health officials that administer HIV and AIDS programs in the United States and abroad.

On May 30, 2018, OEIG investigators interviewed [Employee 9], [identifying information redacted]. [Employee 9] reported that he never saw Mr. Alvarado kiss another IDPH staff member but he did witness Mr. Alvarado kissing [NASTAD Official 1] and [NASTAD Official 2] on the lips in greeting at a professional event. [Employee 9] stated the two men seemed fine with it, but [Employee 9] felt this behavior “was odd” and stated he “hadn’t observed that in a professional setting” before.

8. Interview of [Contractor 1]

On May 18, 2018, OEIG investigators interviewed [Contractor 1], [Identifying information redacted]. [Contractor 1] is not an IDPH employee, but his organization is a non-profit that has a subcontract with IDPH to assist with HIV risk and harm reduction, among other things. [Contractor 1] stated that he also [identifying information redacted]⁸ and that until [date redacted], he had a contract with IDPH to oversee [identifying information redacted]. [Contractor 1] stated that IDPH [Employee 10] is the [identifying information redacted].

[Contractor 1] characterized Mr. Alvarado as “a very friendly person” but stated he has never spent much time with him in a social setting outside of the [identifying information redacted]. When asked if he was aware of any inappropriate situations involving Mr. Alvarado, [Contractor 1] reported that Mr. Alvarado generally greets people, even in work situations, with a kiss, sometimes on the lips. [Contractor 1] stated that Mr. Alvarado began greeting him with a kiss on the lips around their second meeting and has kissed [Contractor 1] on the lips in greeting approximately 15 times. [Contractor 1] said that it makes him uncomfortable when Mr. Alvarado greets him in this manner, so he now turns his head to give Mr. Alvarado his cheek. [Contractor 1] stated he did not tell Mr. Alvarado it makes him uncomfortable when he greets him with a kiss on the lips but stated he has tried not to let it happen again.

[Contractor 1] characterized himself as “pretty outgoing” but stated that a kiss on the lips is not something he views as a common workplace interaction. [Contractor 1] admitted that greeting with a hug is common in his field because of the close bonds with other people in the field; [Contractor 1] stated that he will hug a colleague if he has known them for a long time. [Contractor 1] opined that a kiss on the cheek is less intrusive but not necessarily more appropriate than a kiss on the lips. [Contractor 1] stated that besides Mr. Alvarado, he has never witnessed anyone in a professional setting greet someone with a kiss on the lips. [Contractor 1] reported that he has spoken with [IDPH Employee 10],⁹ Illinois Public Health Association [IPHA Employee 1], and [IPHA Employee 1’s] boss [IPHA Employee 2] about their shared discomfort regarding their interactions with Mr. Alvarado and how they can avoid having Mr. Alvarado kiss them on the lips.

9. Interview of Mr. Alvarado Regarding Sexual Conduct and Remarks in the Workplace

⁸ [Redacted].

⁹ The OEIG interviewed [Employee 10] on May 30, 2018. [Employee 10] reported that Mr. Alvarado greets her with a hug and a kiss on the cheek, but she does not feel offended by this greeting. [Employee 10] stated she had never witnessed Mr. Alvarado kiss anyone on the lips in greeting.

On October 9, 2018, OEIG investigators interviewed Mr. Alvarado. Mr. Alvarado reported that he hugs IDPH employees, including staff members and colleagues, but initially denied greeting IDPH employees with a kiss on the mouth. However, Mr. Alvarado then clarified that greeting someone with a kiss on the lips is “not something that I would normally do” and “not the way I would normally greet someone,” and stated that he would only kiss someone on the lips if it was someone “very close” to him; Mr. Alvarado stated he would possibly give colleagues at work a peck on the cheek.

Mr. Alvarado stated it was possible that he had kissed [Employee 4] on the lips in greeting. Mr. Alvarado denied greeting Chicago Department of Public Health colleagues with a kiss on the lips in professional settings, but later clarified that he has kissed Chicago Department of Public Health [Official 1] on the lips in greeting, explaining that “[Official 1] is a close friend.” Mr. Alvarado reported that he sees [Official 1] at professional meetings approximately once a month and he commonly greets him with a hug and a kiss on the mouth. Mr. Alvarado stated that he would also greet Chicago Department of Public Health employee [Official 2] with a hug and potentially a kiss.

Mr. Alvarado opined that it is not uncommon for gay friends to kiss on the cheek, and that greeting people with a hug or kiss is “normative behavior” for gay men and is the traditional greeting in Spanish or Latino culture. Further, Mr. Alvarado stated that people who are drawn to the HIV/AIDS field experience a lot of pain and it becomes a very close environment. Thus, Mr. Alvarado opined that people in his field are very loving and compassionate with each other and there is a lot of mental, emotional, and physical support, such as holding hands, because of the nature of the work and everyone’s personal background. Mr. Alvarado explained that he only greets IDPH staff with a hug or a kiss if the other person initiates the contact by reaching out to give him a hug, moving towards his lips, or moving their head close to his. Mr. Alvarado stated that greeting with a hug or a kiss is not how he normally greets employees or someone else at work and he would only greet someone with a hug or kiss if he has rapport with them.

Mr. Alvarado stated he believes that whether greeting people with a hug in a professional setting is appropriate depends on the context and location the behavior is occurring; Mr. Alvarado explained that the appropriateness of that behavior depends on how long it has been since he has seen the other person, if it is someone he is close to, and if the person is happy to see him. Mr. Alvarado stated that in that context, he finds it appropriate to hug employees at the office, conferences, and outside meetings.

Mr. Alvarado stated that no one has ever told him his greeting them with a hug or a kiss made them feel uncomfortable or was inappropriate; nor had anyone ever acted in a way that would indicate his hugs or kisses were unwelcome. Mr. Alvarado explained that he only kisses specific people in greeting and denied they had ever turned their heads to avoid his kiss. Mr. Alvarado stated that because he greets his close friends with a kiss, it does not mean that this is how he would normally greet someone else at work. Mr. Alvarado stated that no one at IDPH had ever spoken to him about hugging and kissing people at work or professional events.

Mr. Alvarado denied making comments about the appearance or sexual orientation of IDPH employees. Mr. Alvarado also denied suggesting that he bring in an “International Men of

Leather” catalog to the office and denied telling a coworker that her husband could pick out a thong from the catalog to wear to the beach. Mr. Alvarado stated those types of comments and behavior are “absolutely not” appropriate in a professional setting.

Incident with IDPH Intern A

During this investigation, the OEIG learned about an incident that occurred between Mr. Alvarado and Intern A, an IDPH contract employee. On May 10, 2018, OEIG investigators interviewed Intern A who stated that he worked as an IDPH intern from [identifying information redacted]. Intern A reported to [Employee 3], but confirmed that he was familiar with Mr. Alvarado. According to Intern A, in the summer of 2016 or 2017, Mr. Alvarado came into Intern A’s office, bent over in front of Intern A, and asked Intern A to help him stretch his back. Intern A stated that he pushed on Mr. Alvarado’s lower back even though it made him feel awkward. According to Intern A, a woman by the name “[redacted]” who was a [identifying information redacted] was in the office when the incident occurred. Intern A believed that he told his husband and [Employee 3] about this incident, but he did not file a written complaint.

1. Interview of IDPH [Employee 3]

During her interview, [Employee 3] confirmed that she supervised Intern A and that in the summer of 2016, Intern A told her that Mr. Alvarado came into Intern A’s office, bent over in front of Intern A and requested a back rub. According to [Employee 3], Intern A reported that he gave Mr. Alvarado a back rub as requested because he did not know what to do. According to [Employee 3], Intern A said that he was uncomfortable with what occurred and reported it to [Employee 3] because she was Intern A’s supervisor. [Employee 3] stated that although what occurred “just seemed way wrong,” Intern A asked her not to say anything because he felt bad and did not know what to do. [Employee 3] stated she told Intern A that if anything like that ever happened again, or if he felt uncomfortable, he could say that he had a meeting with her to get out of the situation. [Employee 3] confirmed that [Employee 11], a [redacted] employee assigned to IDPH, had been in the room when this incident occurred, and that [Employee 11] told [Employee 3] that she ([Employee 11]) thought it was “a little weird.” [Employee 3] also stated that Mr. Alvarado asked her on at least three occasions whether she knew Intern A’s sexual orientation and whether she knew the sexual orientation of other IDPH employees.

2. Interview of IDPH [Employee 11]

On May 18, 2018, OEIG investigators interviewed [Employee 11], [identifying information redacted]. [Employee 11] confirmed that in the summer of 2016, Mr. Alvarado came into the office she was in with Intern A, bent at the waist, and asked Intern A to either rub or crack his back. [Employee 11] confirmed that Intern A touched Mr. Alvarado’s back and that Intern A looked obviously uncomfortable, which in turn made her feel uncomfortable. [Employee 11] said that after Mr. Alvarado left the room, Intern A gave her a look, put his hands in the air, and said “ugh.” [Employee 11] stated that shortly thereafter, [Employee 3] asked her about the incident, and [Employee 11] told [Employee 3] that the exchange had made her uncomfortable.

3. Interview of Mr. Alvarado Regarding Intern A

In his interview with the OEIG, Mr. Alvarado confirmed he is familiar with Intern A, explaining Intern A began working at IDPH shortly after Mr. Alvarado became the HIV/AIDS Section Chief. Mr. Alvarado reported that he did not supervise Intern A, but stated they interacted when they would say hello to each other in the IDPH office. Mr. Alvarado stated he never had any issues with Intern A. Mr. Alvarado stated he had “absolutely not” bent over in front of Intern A at work and requested that Intern A rub or stretch his back.

Incident with [Contracting Agency] Intern

During this investigation, the OEIG learned about an incident that occurred between Mr. Alvarado and [Contracting Agency] Intern (Student B). On June 21, 2018, OEIG investigators interviewed Student B, who is not an IDPH employee but interned for [Contracting Agency], an organization that has subcontracts with IDPH. Student B reported that in May 2017, when he was an undergraduate student at Southern Illinois University, he attended Equality Con, a conference sponsored by Equality Illinois.¹⁰ According to Student B, Mr. Alvarado was a speaker at the conference and Student B introduced himself to Mr. Alvarado after his presentation. Student B stated that he told Mr. Alvarado about his volunteer work in Carbondale and his internship with the [Contracting Agency] and exchanged business cards with Mr. Alvarado.

According to Student B, later that night after the conference, he went to the Station House bar where he ran into Mr. Alvarado and they continued their conversation relating to their HIV/AIDS work. Student B reported that he was wearing a button-down shirt and Mr. Alvarado reached out and stroked Student B’s chest and chest hair where his shirt was unbuttoned. Student B stated that Mr. Alvarado’s behavior caught him off guard, and he immediately ended the conversation, told Mr. Alvarado he needed to leave, and Student B subsequently left the bar. Student B reported that on May 22, 2017, he sent Mr. Alvarado an email reintroducing himself and asking for some resources regarding HIV/AIDS related topics.¹¹ Student B explained that while he felt uncomfortable reaching out to Mr. Alvarado, he felt that Mr. Alvarado was the person in the State of Illinois to go to for HIV/AIDS-related information. After the email exchange with Mr. Alvarado, in which Mr. Alvarado invited Student B to a training on PrEP,¹² Student B stated he reported to [Contractor 1], his internship supervisor, the details of his interaction at the bar with Mr. Alvarado and forwarded [Contractor 1] the training agenda email he had received from Mr. Alvarado.

1. Interview of [Contractor 1]

¹⁰ Equality Illinois is a political action group focused on issues surrounding the State’s LGBTQ community. See Equality Illinois, Our History, <https://www.equalityillinois.us/about-us/our-history> (last visited April 15, 2019).

¹¹ OEIG investigators reviewed an email chain between Mr. Alvarado, Student B, and [Employee 5] that was consistent with Student B’s description of the email exchange.

¹² Pre-exposure prophylaxis, or PrEP, is a way for people who do not have HIV but who are at substantial risk of getting it to prevent HIV infection by taking a pill every day. See IDPH, Pre-Exposure Prophylaxis (PrEP), <http://dph.illinois.gov/topics-services/diseases-and-conditions/hiv-aids/pre-exposure-prophylaxis-prep> (last visited May 7, 2019).

In his interview with investigators, [Contractor 1] confirmed that Student B interned with his organization but explained that Student B did not attend the Equality Illinois event as part of his internship; however, [Contractor 1] stated he supervised Student B during his internship and gave Student B permission to tell people that he worked for the [Contracting Agency] while he was there. [Contractor 1] stated that Student B told him about a physical interaction that occurred at the Station House bar between Student B and Mr. Alvarado the night of the conference, and that Student B subsequently received an invitation to a training from Mr. Alvarado. [Contractor 1] stated no one else from the [Contracting Agency] was included in the invitation. [Contractor 1] stated he did not speak to Mr. Alvarado about the bar incident, at Student B's request, but he did follow up about the training invitation.

According to [Contractor 1], he spoke to Mr. Alvarado and [Employee 10] on June 7, 2017 to express his concern with Mr. Alvarado inviting Student B to a training without going through [Contractor 1]. [Contractor 1] reported that Mr. Alvarado explained that it was not his intention to circumvent the chain of command by inviting Student B to the training and that he (Mr. Alvarado) thought Student B worked at the university where Student B was doing undergraduate research. [Contractor 1] stated that [Employee 10] did not say anything during this telephone call but that he called her back after the call because he did not feel like the issue was resolved. [Contractor 1] stated that he subsequently received an email from Mr. Alvarado saying how much Mr. Alvarado enjoyed their conversation and that he looked forward to getting to know [Contractor 1] and the [Contracting Agency] better.

2. Interview of [Employee 10]

The OEIG spoke to [Employee 10] on May 30, 2018. [Employee 10] works [identifying information redacted]. [Employee 10] confirmed that she had a conversation with Mr. Alvarado about [Contractor 1's] concern that Mr. Alvarado's invitation to Student B was inappropriate. [Employee 10] stated that she felt Mr. Alvarado and [Contractor 1] resolved their issues and she did not recall hearing about anything inappropriate happening between Mr. Alvarado and Student B at a bar. [Employee 10] stated she did not report the invitation issue to anyone at IDPH because she did not think it was necessary.

3. Interview of Mr. Alvarado Regarding Student B

In his interview with the OEIG on October 9, 2018, Mr. Alvarado stated that he was not familiar with Student B and did not know him. Mr. Alvarado confirmed that he attended Equality Con and went to the Station House with friends after the conference; however, Mr. Alvarado reiterated that he did not know Student B, so did not know whether Student B was also at the conference or Station House.

Complaint Received by NASTAD Regarding Mr. Alvarado's Behavior

The National Alliance of State and Territorial AIDS Directors (NASTAD) is a non-profit organization that represents public health officials that administer HIV and AIDS programs in the United States and abroad. NASTAD is governed by a 23-person elected board that is charged with making decisions for the organization's membership. Mr. Alvarado has served as a board member

representing Illinois in his professional capacity as the IDPH HIV/AIDS Section Chief since 2016 and served as Vice-Chair of the board from June 2017 to June 2018.

Because the complaint in this case alleged that Mr. Alvarado had been counseled for inappropriate behavior with members of NASTAD, OEIG investigators issued a subpoena to NASTAD for complaints about Mr. Alvarado, as well as any documentation of subsequent discipline or corrective action taken because of those complaints. On November 27, 2017, NASTAD responded to the subpoena request with a three-page narrative statement written by [NASTAD Official 3], the NASTAD [identifying information redacted],¹³ and two pages of emails. According to the narrative statement, on June 7, 2017, a departing NASTAD employee, Employee C,¹⁴ stated during his exit interview with [NASTAD Official 3] that Mr. Alvarado had made him feel uncomfortable on several occasions by behaving in a “touchy,” “flirty,” and “unprofessional” manner.¹⁵ Employee C also reported that Mr. Alvarado’s “flirty” behavior had made another NASTAD employee, who wished to remain anonymous, uncomfortable during an annual meeting in May 2017.

[NASTAD Official 3] reported that on June 16, 2017, [NASTAD Official 4] spoke with Mr. Alvarado about professionalism but did not speak with him specifically about being “touchy” or “flirty.”

According to [NASTAD Official 3’s] narrative, on June 26, 2017, after becoming aware that Mr. Alvarado’s physician assistant license had been revoked in 2009 for having a sexual relationship with a patient,¹⁶ she and [NASTAD Official 1] traveled to Chicago from NASTAD’s main offices in Washington D.C. to meet with Mr. Alvarado. The narrative reported that in the meeting, [NASTAD Official 1] explained to Mr. Alvarado that NASTAD had received some complaints from staff regarding his behavior and wanted to ensure that Mr. Alvarado understood that any perceived flirtatious behavior would not be allowed to continue. [NASTAD Official 3] reported that Mr. Alvarado stated he felt that NASTAD was a “hypersexual” environment and place to be open and “flirty.” The narrative described how [NASTAD Official 1] explained that such behavior is inappropriate and Mr. Alvarado’s leadership position as Vice-Chair of NASTAD precludes him from participating in inappropriate behavior.¹⁷ According to the narrative, Mr. Alvarado stated that he has never had any sexual contact with NASTAD staff and that he would “modify his normal behavior to be an appropriate Vice-Chair.”

In his interview with the OEIG, Mr. Alvarado stated that approximately one year ago someone complained to [NASTAD Official 1], the [title redacted] of NASTAD, that Mr. Alvarado was too “touchy-feely.” Mr. Alvarado stated he was surprised by the complaint because he

¹³ [NASTAD Official 3’s] name does not appear on the narrative as the author but in an email to the OEIG dated July 17, 2018, [name and position] for NASTAD, confirmed that [NASTAD Official 3] drafted the narrative.

¹⁴ The departing employee was identified by NASTAD in the narrative statement. However, the employee was not previously identified during IDPH interviews and OEIG investigators did not interview the employee. Thus, this report will refer to the departing employee as Employee C.

¹⁵ Employee C is not any of the NASTAD staff previously referenced by IDPH employee [Employee 9].

¹⁶ This license revocation issue is discussed in more detail later in this report.

¹⁷ The OEIG also reviewed several follow up emails sent by [NASTAD Official 1] including an email sent on June 30, 2017 thanking Mr. Alvarado for the meeting and reiterating that the Vice-Chair position is an important one and that flirty or “touchy” behavior would not be tolerated.

believes the “NASTAD culture” is friendly and everyone greets one another with hugs. Mr. Alvarado reported that as a result of the NASTAD employee’s complaint, [NASTD Official 1] and a woman from NASTAD’s Human Resources (HR) department had a conversation with Mr. Alvarado in Chicago shortly after receiving the complaint. Mr. Alvarado reported that [NASTAD Official 1] told him someone felt uncomfortable with Mr. Alvarado, but Mr. Alvarado did not know if the employee was uncomfortable with something he said or did. Mr. Alvarado stated that [NASTAD Official 1] was comforting during the conversation and said that some people are not as welcoming as Mr. Alvarado.

IDPH’s Response to These Allegations

IDPH records reflect that on or about August 14, 2017, the same anonymous complaint received by the OEIG was mailed to IDPH Director Nirav Shah and Deputy Director Molly Lamb including allegations that Mr. Alvarado was accused of and counseled for inappropriate behavior with NASTAD members, and that Mr. Alvarado is sexually inappropriate with members of IDPH staff.

On June 7, 2018, the OEIG interviewed Molly Lamb, the Deputy Director of IDPH’s Office of Health Protection. Ms. Lamb reported that when she received the August 2017 anonymous complaint she brought it directly to HR and had a meeting regarding the complaint with IDPH Deputy Director of Human Resources Siobhan Johnson and IDPH Chief of Staff Erik Rayman. Ms. Lamb stated that HR informed her that “they would take it from here” and that she should not do anything further regarding the complaint; she did not contact anyone at NASTAD or otherwise investigate that issue, and did not investigate whether Mr. Alvarado had been sexually inappropriate with IDPH staff.

On January 31, 2018, OEIG investigators interviewed IDPH Deputy Director of Human Resources Siobhan Johnson. Ms. Johnson stated that upon receiving the complaint, she discussed with then-IDPH General Counsel Kyle Stone how difficult it was for HR to address anonymous complaints and told Mr. Stone there was nothing HR could do about the complaint because it was made anonymously.

Ms. Johnson reported that Mr. Stone did not direct her to take further action regarding the complaint but said he would discuss the matter with Mr. Shah. Ms. Johnson stated she did not contact NASTAD, nor Mr. Alvarado, concerning the complaint and said she did not know whether anyone at IDPH investigated whether Mr. Alvarado has otherwise behaved inappropriately. In addition, Ms. Johnson reported that IDPH directives state that complaints involving sexual harassment are handled by Equal Employment Opportunity and Affirmative Action Officer (EEO/AA) [Employee 12], rather than HR.¹⁸ However, Ms. Johnson stated that she did not provide the complaint to [Employee 12] but instead left that to Mr. Shah and his staff because the complaint

¹⁸ The IDPH Employee Handbook and IDPH Directive 05-01, “Prohibition of Sexual Harassment,” state that complaints of sexual harassment should be directed to the employee’s supervisor and/or the EEO officer. The Directive indicates that the EEO officer investigates all reports of sexual harassment immediately upon notification and is required to report his or her findings along with recommendations for corrective action to the Director of IDPH, who will make the final determination on the appropriate course of action.

was sent to Mr. Shah. [Employee 12] confirmed to the OEIG that she has not “received any written or verbal complaints – official or unofficial – regarding [Mr. Alvarado].”

On February 23, 2017, OEIG investigators interviewed Mr. Stone. Mr. Stone stated that he started as General Counsel in March 2015 and was responsible for overseeing IDPH’s Division of Legal Services, which advises IDPH and the Governor’s Office about issues affecting IDPH and the state of public health in Illinois.¹⁹ Mr. Stone stated that he was made aware of the anonymous complaint received by Ms. Lamb and Mr. Shah via email. Mr. Stone reported that upon receiving the complaint, he, Mr. Shah, IDPH Assistant Director Don Keuerauf, Mr. Rayman, Ms. Johnson and [Employee 13] discussed the complaint and concluded that they did not believe IDPH had enough information to take any action on the allegations that Mr. Alvarado was counseled for inappropriate behavior with NASTAD members, or that Mr. Alvarado is sexually inappropriate with members of IDPH staff.²⁰

Mr. Stone stated that he did not ask individuals in Mr. Alvarado’s work space whether Mr. Alvarado had been inappropriate in a sexual way with IDPH staff nor did he not contact NASTAD to discuss any complaints regarding Mr. Alvarado. Mr. Stone said that ultimately the question was not if more could have been done regarding the complaint but whether doing more was the right thing to do. Mr. Stone explained that IDPH concluded that doing more, like contacting NASTAD, may not be the right thing to do. In his OEIG interview, Mr. Alvarado confirmed that no one from IDPH has spoken to him regarding the NASTAD employee complaint.

In his OEIG interview, Mr. Shah reported that his reaction to the August 2017 complaint was that it was “another anonymous complaint” without identifying details; Mr. Shah stated he was already aware of the first allegation in the complaint regarding Mr. Alvarado’s medical license revocation.

Regarding Mr. Alvarado’s allegedly inappropriate behavior with NASTAD members, Mr. Shah stated he reached out to the executive director of NASTAD via email. Mr. Shah stated his email inquired about potentially inappropriate behavior by Mr. Alvarado and any subsequent counseling by NASTAD. Mr. Shah stated that he was referred to NASTAD’s outside counsel who declined to provide him with any documents or facts to substantiate any inappropriate behavior by Mr. Alvarado. Mr. Shah reported that NASTAD’s outside counsel also declined to even inform Mr. Shah whether “there was fire” here.

Regarding the third allegation in the anonymous complaint, that Mr. Alvarado was sexually inappropriate with IDPH staff, Mr. Shah reported that IDPH “followed normal protocol.” Mr. Shah explained that there was no investigation that could be made into the allegation because it did not contain any details or corroborating facts. Mr. Shah reported that he discussed the allegation with Mr. Stone, Mr. Rayman, and Ms. Johnson and everyone agreed no more could be done regarding the third allegation.

B. Allegation Of Mr. Alvarado’s License Revocation

¹⁹ Mr. Stone has since left IDPH employment.

²⁰ Mr. Stone confirmed that the first claim regarding Mr. Alvarado’s license revocation due to sexual misconduct was already known by IDPH prior to receiving this complaint.

The complaint in this case also alleged that Mr. Alvarado lost his physician's assistant license due to sexual misconduct with a patient. The OEIG determined that neither of the positions Mr. Alvarado has held at IDPH require a medical license and his job duties did not involve seeing patients, thus, investigators focused on whether Mr. Alvarado provided incomplete or false information on his IDPH applications regarding his license revocation and any resulting job consequence.

1. Mr. Alvarado's CMS-100 Employment Applications and Termination Investigation

The OEIG obtained Mr. Alvarado's personnel file, which contained application materials for the IDPH positions that Mr. Alvarado has held. Those materials included two CMS-100 employment applications submitted to IDPH for Mr. Alvarado's position as a Public Service Administrator in IDPH's Women's Health Section and another for his current position as the HIV/AIDS Section Chief. Neither position required a physician's assistant or other medical license. The application materials for both positions indicate that Mr. Alvarado worked at AltaMed as a Physician Assistant from 2007 to 2009. The materials related to his position as a Public Service Administrator in IDPH's Women's Health Section indicate Mr. Alvarado's reason for leaving AltaMed was "for a better opportunity"; that position was the only position in his work history checked "No" for the question "May we contact this employer?" The materials related to Mr. Alvarado's position as the HIV/AIDS Section Chief indicate his reason for leaving AltaMed was "for a promotion (better opportunity)."

Both CMS-100 applications contained question 10A asking, "Have you ever been fired from a job?" On both applications, "No" was checked in response to question 10A. Both CMS-100 applications also contained the following affirmation: "I certify that all the information on this application is true and accurate and understand that misrepresentation of any material fact may be grounds for ineligibility or termination of employment." While the copy of the application in Mr. Alvarado's personnel file related to the position in IDPH's Women's Health Section lacked a signature, the application related to Mr. Alvarado's current position bore a signature in the name of Mr. Alvarado.

2. License Revocation Documents

OEIG investigators researched Mr. Alvarado's physician's assistance license on the California State Department of Consumer Affairs website, which indicated that Mr. Alvarado's license was originally issued on July 12, 2007. From that website, investigators also obtained and reviewed several documents pertaining to a case before the Physician Assistant Committee of the Medical Board of California regarding Mr. Alvarado. The documents reflect that an administrative hearing took place on April 3, 2013; Mr. Alvarado admitted in the hearing to engaging in sexual activity with his patient on multiple occasions in 2009 and, that "[a]s a result of patient complaints of sexual misconduct, [Mr. Alvarado] was dismissed from his position at AltaMed for conducting inappropriate relationships." Based on this conduct, the administrative law judge determined that

Mr. Alvarado's physician's assistant license should be revoked pursuant to the California Code of Regulations; the decision was subsequently adopted and made effective July 1, 2013.²¹

3. AltaMed

OEIG investigators contacted AltaMed to request Mr. Alvarado's employment records. An AltaMed representative informed the OEIG that due to the length of time since Mr. Alvarado had been employed by the company, all documentation of his employment had been destroyed.

4. Interview of Mr. Alvarado Regarding CMS -100 Application

In his interview with OEIG investigators, Mr. Alvarado reported that he was licensed as a physician's assistant in California through 2011. Mr. Alvarado explained that from approximately 2007 to 2009 or 2010, he worked as a physician's assistant in California for a medical clinic called AltaMed. According to Mr. Alvarado, while working at AltaMed he saw a patient as a walk in, they eventually became friends, and started dating. Mr. Alvarado stated that after dating for a brief period, the individual disclosed to Mr. Alvarado that he was married with children, which led Mr. Alvarado to end the relationship. Mr. Alvarado stated that he self-reported the relationship to the medical board and after a hearing, his California physician's assistant license was revoked. Mr. Alvarado told the OEIG investigators that he was fired from AltaMed after his license revocation.

Mr. Alvarado stated that he did not report being fired from AltaMed on either of his IDPH CMS-100s because he did not believe that the firing was within the timeframe the question required him to report. Mr. Alvarado stated that he also did not believe that reporting his AltaMed firing was required because he assumed the question on the CMS-100 was related to positions within Illinois or for the State of Illinois. Mr. Alvarado said that prior to applying to IDPH he went to a CMS counselor for general guidance, but that no one advised him how to fill out the CMS-100 application. During the OEIG interview, after reading question 10A on his CMS-100s, which asks "Have you ever been fired from a job? (Downsize/layoff is not applicable.)" which is marked "No" on both applications, Mr. Alvarado acknowledged that there was nothing in the question that limited the question to a specific time period or to Illinois or State jobs.

5. IDPH's Lack of Action Regarding Mr. Alvarado's Misrepresentation

During this investigation, the OEIG learned that on or about June 15, 2016, IDPH received an anonymous complaint that included an allegation that Mr. Alvarado's California physician's assistant license was revoked for engaging in a sexual relationship with a patient.

A review of Mr. Alvarado's IDPH personnel file did not reveal any written documentation regarding this complaint nor did it contain any indication of discipline related to this allegation.

On December 1, 2017, OEIG investigators interviewed former Division of Infectious Diseases Chief Talmage Holmes. Mr. Holmes reported that approximately three months after Mr.

²¹ The OEIG contacted the California State Department of Consumer Affairs, Physician Assistant Board to obtain a copy of the investigative file and/or hearing transcript; however, due to the length of time since Mr. Alvarado's license had been revoked, all original documentation had been destroyed.

Alvarado began working for the Division of Infectious Diseases, Mr. Holmes discovered a sealed envelope addressed to him on his office chair; Mr. Holmes stated the envelope contained documents indicating Mr. Alvarado's physician's assistant license in California had been revoked because Mr. Alvarado had a relationship with a patient. Mr. Holmes stated he attempted to verify the information in the documents on the internet. According to Mr. Holmes, on the same day he discovered the envelope, he brought it to Ms. Johnson. Mr. Holmes stated he did not report the allegations to anyone else. Mr. Holmes stated Ms. Johnson did not tell him what she intended to do with the complaint against Mr. Alvarado, but she stated she would handle it.

Ms. Johnson, in her OEIG interview, stated that when she received the documents from Mr. Holmes, she did not compare their contents with Mr. Alvarado's CMS-100 applications; instead, she immediately contacted Mr. Stone to make him aware of the complaint's contents and seek his advice. Ms. Johnson reported that Mr. Stone indicated that Legal would take over the investigation into the matter and determine if anything needed to be done. Ms. Johnson reported that Legal did not ask HR to conduct any investigation into the matter.

During his interview, Mr. Stone stated that he did not contact AltaMed to determine whether Mr. Alvarado had been terminated because it was his understanding that IDPH and other companies typically do not disclose the reason for an employee's departure. Mr. Stone stated he reviewed Mr. Alvarado's CMS-100s, but did not speak to Mr. Alvarado regarding any issues arising from the complaint. Mr. Stone reported that he never asked Mr. Alvarado whether he had been terminated from AltaMed and did not know whether anyone at IDPH talked to Mr. Alvarado about whether he had been fired from AltaMed.

Mr. Stone said he submitted a memorandum to Mr. Shah that outlined his analysis and determination regarding the complaint about Mr. Alvarado's physician's assistant license. OEIG investigators reviewed Mr. Stone's memorandum, which was dated July 22, 2016.²² In the memorandum, Mr. Stone reasoned that the California Medical Board's indication that Mr. Alvarado had been "dismissed" from his previous position may not mean that Mr. Alvarado was "unilaterally fired" from AltaMed, but instead could mean he was "invited and/or encouraged to resign." Thus, Mr. Stone concluded that IDPH's Division of Legal Services did not believe Mr. Alvarado's failure to "disclose the 2013 administrative sanctions at the time of his hire constitute [sic] a material misrepresentation or omission to [IDPH]" and did not recommend any formal action be taken against Mr. Alvarado based on material representations or omissions in the IDPH applications. The memorandum reported that IDPH Legal discussed the matter with the CMS Legal team, who concurred "with this approach."

In his OEIG interview, Mr. Stone reported that the portion of the memorandum he authored related to whether Mr. Alvarado's answers on his CMS-100 applications were inconsistent with the facts as stated in administrative proceedings was "the subject of a good deal of analysis." Mr. Stone explained that he worked closely with CMS Legal regarding personnel issues but did not remember who from CMS Legal would have been involved in discussions regarding this matter.²³

²² The memo also copied [Employee 14].

²³ In his memorandum, Mr. Stone recommended that Mr. Shah, or another high-ranking IDPH official, consider engaging Mr. Alvarado with verbal counseling regarding the matter. When investigators asked why he recommended a counseling memorandum not be placed in Mr. Alvarado's personnel file, Mr. Stone explained that counseling

On October 15, 2018, OEIG investigators interviewed then-IDPH Director Nirav Shah. Mr. Shah reported that he began his position in January 2015 and was responsible for overseeing all aspects of IDPH, making all strategic and operational decisions for the agency.²⁴ Mr. Shah stated that he was usually not involved in employee discipline and rarely had a decision-making role in those issues. Mr. Shah reported that he and Mr. Rayman investigated the allegations on the internet when they were made aware of the anonymous complaint sent to Mr. Holmes. Mr. Shah stated they found a document, similar to the documents contained in the anonymous complaint, of the proceedings which revoked Mr. Alvarado's physician's assistant license in California. Mr. Shah reported that he brought in Mr. Stone and CMS to look at "this issue" to determine if the proposed decision's language was contrary to what Mr. Alvarado answered on his CMS-100s.

Mr. Shah stated that after a two-week investigation conducted by Mr. Stone, Mr. Rayman, and then-Ethics Officer [Employee 14], Mr. Stone issued a memorandum, but Mr. Shah did not otherwise know the nature of Mr. Stone's investigation into the matter.

Mr. Shah stated that he followed the recommendations in Mr. Stone's memorandum, made by the IDPH and CMS Legal teams, and set up a meeting to discuss the issue with Mr. Alvarado. Mr. Shah reported that his meeting with Mr. Alvarado focused on Mr. Alvarado's failure to disclose his license revocation, which Mr. Shah considered "unethical, [but] not unlawful."²⁵ Mr. Shah stated that during his meeting with Mr. Alvarado he did not "revisit" the issue of whether Mr. Alvarado was fired from AltaMed because the investigation and Mr. Stone's memorandum already covered that, and two teams of lawyers determined that there was no misrepresentation on Mr. Alvarado's part because the license revocation did not bear on Mr. Alvarado's job duties. Mr. Shah explained that he relied on the approach in the memorandum, as determined by IDPH and CMS Legal teams, and HR regarding Mr. Alvarado's termination from AltaMed.

In his OEIG interview, Mr. Alvarado confirmed that he attended a meeting in Mr. Shah's office regarding his license revocation and that Mr. Shah never asked him if he had been fired from AltaMed.

C. Allegations Of Verbal Abuse By Mr. Alvarado

During interviews with OEIG investigators, several IDPH employees complained of Mr. Alvarado's abusive workplace behavior. Therefore, this investigation expanded to include allegations that Mr. Alvarado is verbally abusive to members of IDPH staff.

memorandums customarily do not go into an employee's personnel file, but formal discipline memorandums do. Mr. Stone clarified that he does not know whether Mr. Alvarado's counseling would have been documented, but thinks when counseling takes place documentation of the counseling is forwarded to HR. Mr. Stone did not know whether documentation of Mr. Alvarado's counseling was forwarded to HR.

²⁴ In January 2019, Mr. Shah was replaced as the Director of IDPH.

²⁵ Mr. Shah stated that it was generally his practice to document a counseling by writing an email to himself summarizing the conversation and labeling the email "confidential personnel matter." Mr. Shah stated this type of email would not be sent to anyone, it would just remain in his email account for his reference. Mr. Shah initially reported that he may have documented Mr. Alvarado's counseling in that manner, but later informed the OEIG that after reviewing his email account, he determined that he did not compose such an email.

1. Interviews of IDPH Staff

In an interview with investigators on January 31, 2018, former IDPH [Employee 7] said she worked in the [identifying information redacted]. [Employee 7] described the nature of her relationship with Mr. Alvarado as “abusive” adding that Mr. Alvarado could be nice, but “he could turn extremely abusive and angry very quickly.” [Employee 7] stated that Mr. Alvarado was very accusatory, and she ended up seeking counseling as result of his behavior.

Specifically, [Employee 7] reported that Mr. Alvarado had spoken to her with a “violent tone” in two meetings in or around 2017. [Employee 7] stated that the first meeting involved discussions regarding Mr. Alvarado possibly moving into [Employee 7’s] office because it was adjacent to [Employee 5’s] office.²⁶ [Employee 7] stated that she took issue with that plan because it would mean she would be displaced and moved into a cubicle. [Employee 7] reported that during the meeting Mr. Alvarado screamed at her and spoke in what she perceived to be a violent tone. [Employee 7] stated that Mr. Alvarado yelled and told her that she was “hard to work with” and “people are scared of [her].” [Employee 7] stated that during the meeting, Mr. Alvarado would yell at her then speak nicely to her. [Employee 7] stated that it was the first time Mr. Alvarado engaged in this kind of behavior towards her. During the interaction, she stated she informed Mr. Alvarado and [Employee 5] that she had another meeting to go to and began walking out. According to [Employee 7], Mr. Alvarado told her that she could not leave the office and then followed her outside to her car.

[Employee 7] stated that while walking her outside, Mr. Alvarado said negative things about [Employee 5] and another IDPH employee. [Employee 7] stated that she did not respond to Mr. Alvarado and got into her car and drove away. [Employee 7] stated that after this meeting, he sent a text to her personal cellular telephone about how wonderful it was to talk with her that day and that they were going to work well together.²⁷

[Employee 7] stated that in another meeting, months later, Mr. Alvarado started speaking to her in an “angry, violent, [and] accusatory” tone.²⁸ [Employee 7] stated that during the meeting she expressed concern about a program issue to Mr. Alvarado and he “snapped.” [Employee 7] reported that Mr. Alvarado called her into [Employee 5’s] office and told her ([Employee 7]), “people don’t want to work with you” and “you are hard to work with” and that “[Employee 5] is scared to talk to you.” According to [Employee 7], after the second meeting, she received an email from Mr. Alvarado stating that it was great to work with her and that he was glad they had an opportunity to talk about these “things.” [Employee 7] stated that later that same day, she formally complained to Mr. Alvarado’s supervisor, Talmage Holmes, about Mr. Alvarado’s conduct at both meetings.²⁹

²⁶ In a written complaint to IDPH, [Employee 7] stated this meeting occurred “[o]n or about August 2, 2016.”

²⁷ Investigators reviewed a pdf copy of an email sent by Mr. Alvarado to [Employee 7] on August 2, 2016, apologizing for the misunderstanding between them that morning, as well as a screenshot of a text message purportedly sent by Mr. Alvarado to [Employee 7], wherein Mr. Alvarado thanked [Employee 7] for her honesty and stated that he was “proud” to have her as administrator and leader over the education section.

²⁸ In a written complaint to IDPH, [Employee 7] stated this meeting occurred “[o]n March 15, 2017.”

²⁹ IDPH’s handling of this complaint is addressed later in this report.

Interviews with two IDPH employees confirmed that Mr. Alvarado had spoken harshly to [Employee 7] at work. [Employee 1] reported that she witnessed an interaction, explaining that she heard Mr. Alvarado raise his voice in aggressive manner during a meeting with [Employee 5] and [Employee 7], [Employee 7] left the meeting visibly upset, and Mr. Alvarado followed [Employee 7] out of the building. [Employee 5] stated that [Employee 7] never told her that Mr. Alvarado was verbally abusive towards her, but [Employee 5] had witnessed Mr. Alvarado be “a bit harsh” with [Employee 7].

Additionally, [Employee 5] reported that she witnessed Mr. Alvarado be verbally abusive towards [Employee 9] during a discussion regarding program issues and that [Employee 9] later told [Employee 5] he “does not like the way [Mr.] Alvarado talks to him.” In an interview, [Employee 9] confirmed that Mr. Alvarado has spoken to him harshly, providing two examples. [Employee 9] stated that he once interceded in a conversation between [Employee 5] and Mr. Alvarado regarding office restructuring and Mr. Alvarado said, “it’s your arrogance here that gets you in trouble.” [Employee 9] stated that he also had an “intense exchange” and “stern” conversation with Mr. Alvarado regarding the Hepatitis C Project rollout. [Employee 9] stated that on both occasions, Mr. Alvarado apologized to him for his behavior. [Employee 9] reported that he had also witnessed Mr. Alvarado yell at IDPH [Employee 6] in a meeting.

[Employee 5] also confirmed that Mr. Alvarado could be harsh with [Employee 6]; [Employee 5] recalled a conference call on which Mr. Alvarado raised his voice at [Employee 6] and [Employee 6] stated he did not like the way Mr. Alvarado was speaking to him. [Employee 10] stated she also witnessed Mr. Alvarado raise his voice at [Employee 6] during several management meetings via teleconference. [Employee 6] confirmed in his OEIG interview that Mr. Alvarado could be “quite hostile and can be borderline verbally abusive” towards him. [Employee 6] reported that Mr. Alvarado once yelled during a staff meeting which caused [Employee 6] to open his mouth in shock and Mr. Alvarado yelled at [Employee 6] to shut his mouth. [Employee 6] also reported that Mr. Alvarado “scream[s]” at IDPH [Employee 15]. [Employee 6] reported the work environment in the HIV/AIDS Section has felt increasingly hostile and unpredictable.

In her OEIG interview, [Employee 3] reported that Mr. Alvarado has screamed and yelled at her and others, which she stated she finds offensive. [Employee 3] stated that Mr. Alvarado recently gave her a task to accomplish, but when [Employee 3] asked questions regarding the task Mr. Alvarado screamed, “I’m getting out of here, you’re not listening,” stormed out of her office, and slammed the door. [Employee 3] stated that in another incident in February 2016, Mr. Alvarado yelled at her after she forgot to turn down the thermostat that controls the temperature in her office as well as Mr. Alvarado’s office; [Employee 3] reported that Mr. Alvarado “went crazy” over the temperature of his office. However, [Employee 3] reported that in both cases Mr. Alvarado later apologized to her and hugged her. [Employee 3] opined that Mr. Alvarado has a temper and cannot control himself but stated she does not take it personally because she is not the only person he has “blown up” at, stating she had witnessed him be aggressive and nasty with other staff.

Although she stated Mr. Alvarado had never yelled at her, [Employee 1] reported she had witnessed Mr. Alvarado “ranting and yelling” at [Employee 5] and had witnessed Mr. Alvarado

raise his voice on three or four other occasions. Ms. Lamb reported that on one occasion Mr. Alvarado got “really upset” during a meeting and his tone was “pretty inappropriate” and his actions were “not professional.” Ms. Lamb reported Mr. Alvarado later apologized to her regarding the incident and stated he should not have acted that way.

2. Interview of Mr. Alvarado

In his interview with the OEIG, Mr. Alvarado stated that he is familiar with [Employee 7]. Mr. Alvarado stated that he and [Employee 7] did not get off to a good start as colleagues because when he started as section chief, [Employee 7] was in the office space dedicated for the section chief position, so she had to move offices. However, Mr. Alvarado said he did not remember any conflict or heated discussion about the office space; Mr. Alvarado reported that [Employee 7] told him that she was not upset about moving to a different office space.

When asked if he has ever followed [Employee 7] to her car after she left a work meeting, Mr. Alvarado stated it was possible, as it was common for him to walk out with his staff if they need to leave and he wants to finish their conversation.

Mr. Alvarado reported that he found [Employee 7] to be challenging to communicate with at times and [Employee 7] and her supervisor, [Employee 5], were often “at battle with each other” so Mr. Alvarado felt he had to be neutral. Mr. Alvarado reported that there was one incident when [Employee 7] was verbally threatening towards [Employee 5] and he tried to defuse the situation; Mr. Alvarado stated that he was “sure” he yelled or raised his voice at [Employee 7] “in that moment.” However, Mr. Alvarado stated he is not someone who yells or screams in general and did not remember yelling at [Employee 7] aside from that one incident. Mr. Alvarado stated he apologized to [Employee 7] for his behavior during that incident.

As for the reported incidents with other staff members, Mr. Alvarado stated that he has never yelled or raised his voice at [Employee 9], but admitted to having “heated discussions” with [Employee 6]. Mr. Alvarado explained that there was at least one instance within the last six months when he and [Employee 6] raised their voices at each other; Mr. Alvarado said that this instance was situational and not a personal attack on [Employee 6]. Mr. Alvarado denied ever telling [Employee 6] to shut his mouth during a meeting.

Mr. Alvarado reported that he and [Employee 3] have had “intense conversations” because the nature of their work is stressful and said that he and [Employee 3] have had miscommunications, but not combative conversations, with yelling or screaming. Mr. Alvarado stated he could not recall ever yelling or raising his voice at [Employee 3]; Mr. Alvarado said he did not believe he yelled at [Employee 3] over the temperature in his office.

Mr. Alvarado conceded that a supervisor yelling at subordinates is not respectful and creates a hostile work environment. Mr. Alvarado stated that there are circumstances and situations when adults have heated conversations and that is part of adults learning to communicate with each other and work through the stress of the job. However, Mr. Alvarado stated that yelling at subordinates is not a habit of his and is not how he communicates; Mr. Alvarado said he could not recall ever yelling or raising his voice towards other IDPH staff and was not aware of a time

in which he acted aggressively towards other IDPH employees. Mr. Alvarado also denied yelling frequently or intensely and stated that no one at IDPH has ever discussed him yelling at employees.

3. IDPH's Actions Regarding the March 2017 Complaint

As previously described, during her OEIG interview, [Employee 7] stated that in March 2017, she complained to Mr. Holmes about Mr. Alvarado's conduct during two meetings. The OEIG obtained and reviewed the complaint documentation, which consisted of emails, two written statements emailed from [Employee 7] to Mr. Holmes on March 27, 2017, an email from Mr. Alvarado to [Employee 7] apologizing for the "misunderstanding" that occurred between them on August 2, 2016, and a text message purportedly from Mr. Alvarado thanking [Employee 7] for her honesty. [Employee 7's] description of the incidents in her written statements were consistent with how she described them during her OEIG interview.

In his interview, Mr. Holmes confirmed that in early 2017, [Employee 7] complained to him that Mr. Alvarado had emotionally and verbally harassed her on several occasions, likening the treatment to verbal abuse. Mr. Holmes stated that he shared [Employee 7's] complaint with his supervisor, Ms. Lamb, and they both discussed the incident with Mr. Alvarado. Mr. Holmes stated that Mr. Alvarado did not deny that the incidents occurred, and Mr. Alvarado apologized, stating that it would not happen again. Mr. Holmes told investigators that, with Ms. Lamb's approval, he also discussed [Employee 7's] complaint with Ms. Johnson, the HR Director.

Ms. Lamb confirmed that Mr. Holmes informed her of [Employee 7's] complaint regarding Mr. Alvarado's behavior towards her. Ms. Lamb stated after reviewing the written complaint, she discussed the incidents with Mr. Holmes and Mr. Holmes discussed them with [Employee 7]. Ms. Lamb stated that she also met with Mr. Alvarado, [Employee 5], and possibly Mr. Holmes, to discuss the underlying issues that led to [Employee 7's] complaint. Ms. Lamb clarified that Mr. Holmes' previous discussion with Mr. Alvarado would have handled the issue of Mr. Alvarado's behavior towards [Employee 7]. According to Ms. Lamb, there is a process at IDPH to submit a formal complaint to HR by filling out a form, but Ms. Lamb stated that [Employee 7] did not want her complaint about Mr. Alvarado to go to HR. Ms. Lamb explained that if [Employee 7] had made a formal complaint to HR regarding Mr. Alvarado's behavior, the decision resulting from the complaint could have been placed in Mr. Alvarado's personnel file.

In his OEIG interview, Mr. Alvarado said that no one at IDPH ever discussed his behavior towards [Employee 7] with him.

D. OEIG Investigation Into Allegations Of State Time Abuse By Mr. Alvarado

To investigate the second anonymous complaint received by the OEIG regarding Mr. Alvarado, the OEIG reviewed 13 months of records regarding Mr. Alvarado's work attendance to determine whether Mr. Alvarado abuses State time by coming in late to work or not coming in at all, without taking paid time off.³⁰

³⁰ After the OEIG requested and were provided Mr. Alvarado's timesheets, leave requests, travel records, and vehicle records, IDPH, on September 6, 2018, provided corrected travel documents for Mr. Alvarado demonstrating that IDPH had found discrepancies in the documents previously produced to the OEIG. On that same day, IDPH notified Mr.

1. Review of Time Keeping Records

Records indicate that Mr. Alvarado works an alternative schedule, with his official schedule set at 8:00 a.m. to 5:00 p.m. Monday through Thursday, and 8:00 a.m. to 3:30 p.m. every other Friday with the other Friday off.³¹ Investigators obtained and reviewed Mr. Alvarado's weekly time records, leave requests, and Outlook calendar for June 1, 2017 to June 30, 2018. The OEIG also obtained and reviewed the building access log containing Mr. Alvarado's swipe access records for both IDPH offices that Mr. Alvarado works out of: IDPH's offices at 122 S. Michigan Ave in Chicago and 525-535 W. Jefferson Street in Springfield.³²

OEIG investigators examined the 13 months of records, comparing the swipe access records with Mr. Alvarado's time records and leave requests. The records revealed that between June 1, 2017 and June 30, 2018, Mr. Alvarado, on at least 25 occasions, did not swipe into work and did not submit a leave request to use benefit time, but reported on his time record that he worked his scheduled time. For eight of the 25 occasions, indicated in the chart below, Mr. Alvarado's Outlook calendar contained entries for meetings outside of IDPH offices for a portion of the day, but did not appear to contain entries for meetings outside of IDPH offices for the remainder of the day. Further, many of the days, for which Mr. Alvarado did not swipe into work but reported working, either immediately preceded or followed a vacation day or day that Mr. Alvarado traveled between Chicago and Springfield. The chart below is a summary of this information:

No Swipe Records	Preceded or Followed by Vacation Day	Preceded or Followed by Travel Day	Outlook Calendar Entries
June 14, 2017			
June 29, 2017			Out of office meeting from 8:00 a.m. to 1:00 p.m.; no other out of office meetings.
July 5, 2017	X		
July 28, 2017		X	
August 2, 2017			
August 7, 2017			
September 18, 2017			
October 23, 2017			
November 21, 2017	X		calendar notation "out of office" ³³
December 11, 2017		X	

Alvarado that he was being suspended for seven days beginning September 7, 2018. IDPH imposed the suspension, in part, due to Mr. Alvarado's unauthorized absence from work on three days: May 23, 2018, July 2, 2018, and July 3, 2018. The suspension was also supported by findings made by IDPH that (1) Mr. Alvarado failed to obtain approval for out of state travel on May 20, 2018 to May 23, 2018, (2) utilized a State vehicle unrelated to State business from June 25, 2018 to July 10, 2018, and (3) falsified his time records and travel voucher on five dates. Because IDPH investigated these matters and disciplined Mr. Alvarado, the OEIG did not investigate these specific dates further.

³¹ Based on information provided on the State of Illinois Comptroller Employee Salary Database, Mr. Alvarado receives an annual salary of approximately \$94,800.

³² The building access logs for both locations only reflect when employees swipe their cards to gain access to the IDPH offices, because employees do not need to swipe to get out of the IDPH offices.

³³ Mr. Alvarado's Outlook calendar notation indicated that Mr. Alvarado was "out of office" on November 21, 2017 and November 22, 2017, and Mr. Alvarado submitted a leave request for 8.5 hours of vacation time on November 22, 2018. However, Mr. Alvarado did not submit a leave request to use benefit time on November 21, 2018.

December 26, 2017	X		
December 27, 2017	X		
December 28, 2017	X		
January 2, 2018	X		Out of office meeting from 12:00 p.m. to 1:30 p.m.; no other out of office meetings.
January 12, 2018	X		
January 31, 2018			Out of office meeting from 8:00 a.m. to 9:00 a.m. and 12:00 p.m. to 1:00 p.m.; no other out of office meetings.
February 6, 2018			Out of office meeting from 9:00 a.m. to 10:00 a.m.; no other out of office meetings.
March 7, 2018			
March 22, 2018	X	X	
April 2, 2018	X		
April 18, 2018			
May 4, 2018	X		
May 18, 2018	X		Out of office meeting from 2:30 p.m. to 3:30 p.m.; no other out of office meetings.
June 13, 2018			
June 29, 2018		X	Out of office from 8:30 a.m. to 1:00 p.m.; no other out of office meetings.

The documents also revealed that from June 1, 2017 to June 30, 2018, Mr. Alvarado, on at least two occasions, submitted a leave request to use benefit time for a portion of the work day, but did not swipe into any IDPH office for the remainder of the day. For those dates, Mr. Alvarado's Outlook calendar did not contain entries for meetings outside of IDPH's offices for the remainder of the day. The chart below is a summary of this information:

No Swipe Records	Time Taken	Type of Leave
August 17, 2017	1:00 p.m. – 3:00 p.m.	doctor or dentist appointment
April 6, 2018	12:30 p.m. – 3:30 p.m.	vacation time

OEIG investigators also examined the 13 months of records, comparing the building access logs showing when Mr. Alvarado swiped into work and his time records showing the time Mr. Alvarado recorded arriving at work. For the clear majority of these dates, all except those during June 2017, Mr. Alvarado was supervised by Ms. Lamb, after Mr. Holmes had already left IDPH employment. The records revealed that on days Mr. Alvarado reported to work, he habitually swiped into work later than the time he recorded his arrival on his time records. The records show that for the 13 months reviewed:

- On every weekly time report where Mr. Alvarado did not take holiday or benefit time, Mr. Alvarado recorded his daily arrival at the IDPH office as 8:00 a.m.
- On 164 days the building access log shows that Mr. Alvarado arrived at the IDPH office later than the time he recorded on his time record, for a total difference in minutes of 22,706 (almost 379 hours, or almost ten 40-hour work weeks).³⁴

³⁴ This number does not include travel days where Mr. Alvarado arrived at the IDPH office later than his scheduled start time and the time he recorded on his time record, but submitted a travel voucher that accounted for his time outside of the office.

- Of those 164 days, on 127 days, Mr. Alvarado did not swipe into work until one hour or more after the time he recorded on his time record.³⁵
- In fact, for the 13 months reviewed, the swipe records showed that Mr. Alvarado swiped into work by the time he recorded arriving at work on only ten days.

For a chart with a summary of this information for the entire 13-month period reviewed, see Appendix 1. The chart below is a summary of this information for three of the months with the largest discrepancies:

Date	Location	Time in on time records	Time in on building access log ³⁶	Difference (in minutes)
June 1, 2017	Springfield	8:00 a.m.	8:39 a.m.	39
June 2, 2017	Springfield	8:00 a.m.	8:27 a.m.	27
June 5, 2017	Chicago	8:00 a.m.	10:41 a.m.	161
June 6, 2017	Chicago	8:00 a.m.	10:35 a.m.	155
June 7, 2017	Chicago	8:00 a.m.	10:47 a.m.	167
June 8, 2017	Chicago	8:00 a.m.	9:59 a.m.	119
June 12, 2017	Chicago	8:00 a.m.	1:42 p.m.	647
June 13, 2017	Chicago	8:00 a.m.	10:35 a.m.	155
June 15, 2017	Chicago	8:00 a.m.	8:33 a.m.	33
June 16, 2017	Chicago	8:00 a.m.	9:29 a.m.	89
June 19, 2017	Springfield	8:00 a.m.	9:50 a.m.	110
June 20, 2017	Springfield	8:00 a.m.	9:05 a.m.	65
June 21, 2017	Springfield	8:00 a.m.	8:57 a.m.	57
June 26, 2017	Chicago	8:00 a.m.	9:55 a.m.	115
June 27, 2017	Chicago	8:00 a.m.	9:18 a.m.	78
June 28, 2017	Chicago	8:00 a.m.	9:41 a.m.	101
January 3, 2018	Chicago	8:00 a.m.	3:16 p.m.	436
January 4, 2018	Chicago	8:00 a.m.	11:34 a.m.	214
January 8, 2018	Chicago	8:00 a.m.	10:03 a.m.	123
January 9, 2018	Chicago	8:00 a.m.	1:07 p.m.	307
January 10, 2018	Chicago	8:00 a.m.	1:47 p.m.	347
January 16, 2018	Chicago	8:00 a.m.	8:58 a.m.	58
January 17, 2018	Chicago	8:00 a.m.	9:50 a.m.	110
January 18, 2018	Chicago	8:00 a.m.	1:26 p.m.	326
January 23, 2018	Springfield	8:00 a.m.	9:02 a.m.	62
January 24, 2018	Springfield	8:00 a.m.	9:12 a.m.	72
January 25, 2018	Springfield	8:00 a.m.	8:21 a.m.	21
January 30, 2018	Chicago	8:00 a.m.	11:33 a.m.	213
May 1, 2018	Chicago	8:00 a.m.	1:31 p.m.	331
May 2, 2018	Chicago	8:00 a.m.	8:52 a.m.	52
May 3, 2018	Chicago	8:00 a.m.	12:38 p.m.	278
May 7, 2018	Chicago	8:00 a.m.	12:27 p.m.	267

³⁵ For each date, Mr. Alvarado's Outlook calendar often contained entries for conference calls, webinars, or other meetings in IDPH offices, but did not contain entries for meetings outside of IDPH offices that could have justified his late arrival to the office that day. The building access log shows that Mr. Alvarado swiped in late to work on an additional 12 days, but entries in his Outlook calendar appeared to justify his late swipe into work on those days.

³⁶ The building access log recorded each swipe in minutes and seconds; for simplicity, this report shows only the minutes.

May 8, 2018	Chicago	8:00 a.m.	10:01 a.m.	121
May 9, 2018	Chicago	8:00 a.m.	12:45 p.m.	285
May 14, 2018	Chicago	8:00 a.m.	9:43 a.m.	103
May 15, 2018	Chicago	8:00 a.m.	9:45 a.m.	105
May 16, 2018	Chicago	8:00 a.m.	10:46 a.m.	166
May 24, 2018	Chicago	8:00 a.m.	9:37 a.m.	97
May 30, 2018	Springfield	8:00 a.m.	9:07 a.m.	67

2. Interview of Eduardo Alvarado about Time Abuse Allegation

In his OEIG interview, Mr. Alvarado reported that if he went straight to the office in the morning, he would generally arrive around 8:00 a.m.; however, Mr. Alvarado stated that approximately once or twice per month he went to meetings outside of the IDPH office directly from his home and on those days, he would still record 8:00 a.m. as his start time on his time record. Mr. Alvarado said that he is not late to work very often, but on days he is late he is only 1 to 15 minutes late. Mr. Alvarado confirmed that he is not permitted to work from home or at an alternate work location. However, Mr. Alvarado reported that he often has meetings with the Chicago Department of Public Health or other organizations at various locations outside the IDPH office. According to Mr. Alvarado, if he has a meeting outside of the IDPH office, he informs his secretary and it is recorded on his Outlook calendar.

Mr. Alvarado reported that he gains access to the IDPH Chicago and Springfield offices with the same swipe card. Mr. Alvarado said that he does not use anyone else's swipe card to enter the IDPH offices; if he arrives at work with coworkers Mr. Alvarado stated he uses his own swipe card to access the building and does not use their swipe card to get in.

Mr. Alvarado reported that during the last year, the swipe card system at IDPH's Chicago office has often failed because there is a pressure issue with the door and the door rarely stays closed. Mr. Alvarado estimated that half of the time the swipe card system is not functioning correctly, or the door is already open. Mr. Alvarado stated that he sometimes swipes his access card even if the door is open but most of the time he forgets. Mr. Alvarado stated that the Springfield office does not have the same door issues that the Chicago office has.

OEIG investigators directed Mr. Alvarado's attention to specific dates with discrepancies between the time he recorded working on his time records and the time the building access log recorded him swiping into the IDPH offices. Mr. Alvarado stated that he does not make a habit of not coming into work and recording that he was at work on his timesheets and had no explanation for many of the dates with discrepancies. However, Mr. Alvarado gave the following as possible explanations for the discrepancies, in addition to the issue he previously mentioned about the defective swipe system and malfunctioning door at the Chicago office:

- Mr. Alvarado stated that for some of the discrepancies he may have been at a meeting offsite that was not on his Outlook calendar; Mr. Alvarado said that sometimes "things come up" and his secretary, who manages a big part of his Outlook calendar, misses some of his meetings, therefore some meetings are not captured on his Outlook calendar; or

- Mr. Alvarado reported that Mr. Holmes, his previous supervisor, extended him a “professional courtesy” and “flexibility” with his work schedule. Mr. Alvarado explained that meant that if he was having a “difficult morning” because of a health issue, he could arrive late to the office. Mr. Alvarado explained the flexibility afforded to him by Mr. Holmes also meant that if he felt ill during the day, he could go home. Mr. Alvarado stated that Mr. Holmes did not expect him to submit a leave request every time he came in late or left early. Mr. Alvarado claimed that Mr. Holmes extended him this courtesy because he was fulfilling the obligations of his position, Mr. Holmes was aware that he had health issues, and Mr. Holmes knew that Mr. Alvarado worked evenings and weekends that did not count as overtime hours.

Mr. Alvarado’s time records for June 1, 2017 to June 30, 2018 were reviewed and Mr. Alvarado admitted that Ms. Lamb had not extended him the same “professional courtesy” that Mr. Holmes had.³⁷

Mr. Alvarado acknowledged that his time records appeared to be inaccurate but stated that he felt he “more than made up his time” when he travelled and worked in the evenings and on weekends. Mr. Alvarado opined that he fulfills his obligation to IDPH in his position and he is an ethical person, so he stated that if he came into the office late, he would stay late or work through lunch. However, Mr. Alvarado reported that all the “merit-comp” employees, including himself, were told by Mr. Holmes not to report overtime hours on their timesheets because they could not get overtime. Accordingly, Mr. Alvarado stated that, even on days he may work outside of his regularly scheduled work day, he records 8:00 a.m. to 5:00 p.m. on his time records.³⁸

3. IDPH Chicago Office Door Problem

[Employee 13] reported that swipe access is not necessary to get into the 122 S. Michigan building or to access the elevator to the 7th floor.³⁹ Instead, [Employee 13] stated that there are two entrances to IDPH office space on the 7th floor of the 122 S. Michigan building in Chicago that have a swiping mechanism to enter. [Employee 13] explained one entrance is straight off the elevator to the left down a hallway, which [Employee 13] referred to as the “back door” and one is in the main reception area, which [Employee 13] referred to as the “main door.”

[Employee 13] reported that there are problems with both doors on the 7th floor to the IDPH Chicago office that required swipe card access. [Employee 13] stated that the problem was ongoing and had been a problem on and off for the entire six years she had worked in that office. However, [Employee 13] stated that IDPH directives instruct employees to swipe their access cards every time they enter IDPH office space. When contacted by the OEIG, building management for the IDPH Chicago office stated that in the past year, they only have two

³⁷ As noted above, Mr. Holmes supervised Mr. Alvarado from November 2015 to June 2017. From June 2017 to August 2018, the period for which Mr. Alvarado’s time records were reviewed by the OEIG, Mr. Holmes’ position remained vacant and Ms. Lamb acted as Mr. Alvarado’s supervisor. Ms. Lamb was interviewed by the OEIG before investigators received Mr. Alvarado’s time records and therefore, investigators did not ask her about his time records.

³⁸ Records did show that on 32 occasions Mr. Alvarado entered the IDPH office after the time he recorded ending work for the day, although the swipe records do not show when he left the office.

³⁹ [Redacted].

maintenance records related to the doors located on the 7th floor to the IDPH Chicago office that require swipe card access.

The building access logs show that Mr. Alvarado generally used the main lobby door to enter the IDPH office in Chicago, rather than the back door. Investigators examined a sampling of swipe records for three other IDPH employees that work in the Chicago office, to see if they were able to swipe into work using the main lobby door on days Mr. Alvarado did not swipe in. For example, on October 23, 2017, December 26, 2017, December 27, 2017, December 28, 2017, January 12, 2018, and April 2, 2018 at least one of those three employees swiped into the lobby door generally used by Mr. Alvarado around the time he was scheduled to begin work. Additionally, a sampling of swipe records for the three IDPH employees working in the Chicago office show that they swiped into work around the time Mr. Alvarado was scheduled to begin work on days that he did not swipe into the office until much later. For example, on January 9, 2018, Mr. Alvarado did not swipe into work until 1:07 p.m., but [Employee 3] swiped into the lobby door at the Chicago IDPH office at 8:05 a.m., and on January 10, 2018, Mr. Alvarado did not swipe into work until 1:47 p.m., but [Employee 3] swiped into the lobby door at the Chicago IDPH office at 8:00 a.m.

4. Interview of Former IDPH Division of Infectious Diseases Chief Talmage Holmes

On November 5, 2018, OEIG investigators interviewed Mr. Holmes a second time. Mr. Holmes confirmed that he instructed the IDPH employees he supervised to record the time that they worked on their timesheets, except any hours above and beyond their normal work schedule. Mr. Holmes explained that none of his direct reports were approved to earn overtime pay because they were considered “merit comp” employees, so there would be no reason for them to report any extra hours on their timesheet. However, Mr. Holmes stated that all IDPH employees needed to account for the time they were not present during their normal work schedule by using appropriate benefit time.

Mr. Holmes reported that all his direct reports worked in the Springfield IDPH office with him, except Mr. Alvarado, who worked in the Chicago IDPH office. Therefore, Mr. Holmes reported that he saw his direct reports in Springfield daily but rarely saw Mr. Alvarado. Mr. Holmes stated he did not track Mr. Alvarado’s work attendance and would not know if Mr. Alvarado took a day off without submitting a leave request.

Mr. Holmes reported that there were times when it was difficult to get ahold of Mr. Alvarado during the workday. Mr. Holmes explained that he would attempt to contact Mr. Alvarado on his personal cellular telephone and recalled that sometimes when he got ahold of Mr. Alvarado, Mr. Alvarado was somewhere other than the office. However, Mr. Holmes stated that Mr. Alvarado often worked outside of the IDPH office representing the HIV/AIDS program or attending meetings.

Mr. Holmes stated that he reviewed Mr. Alvarado’s time records but said that because Mr. Alvarado worked in the Chicago office while Mr. Holmes worked in Springfield, Mr. Holmes worked with Mr. Alvarado on the “honor system.” Mr. Holmes stated that he did not monitor Mr.

Alvarado's "coming and going" or keep track of Mr. Alvarado's time except for reviewing Mr. Alvarado's time records. Mr. Holmes reported that employees in the Chicago office informed him that Mr. Alvarado frequently arrived late to work and was hard to find. As a result, Mr. Holmes said that he instructed Mr. Alvarado to tell him (Mr. Holmes) and people in the Chicago office if Mr. Alvarado was going to be arriving late to work or leaving the office early.

Mr. Holmes stated that he "definitely" required Mr. Alvarado to submit a leave request or use benefit time if he missed any work. Mr. Holmes explained that he was aware that Mr. Alvarado had a chronic health problem but stated he did not permit Mr. Alvarado special accommodations like flexing his schedule by coming to work late or leaving work early without reflecting that on his time record or using benefit time. Mr. Holmes denied that Mr. Alvarado ever requested to leave early or come to work late without using benefit time because of a health problem.

Mr. Holmes stated that he never told Mr. Alvarado, or any of his other direct reports, that they could adjust their schedule without notifying him. Mr. Holmes stated he never gave Mr. Alvarado a professional courtesy or flexibility to arrive late or leave early without informing him. Mr. Holmes stated he expected all his direct reports to work their scheduled hours and did not allow any of his direct reports to take a day off without recording that on their time report or using benefit time, even to compensate them for working on a weekend day or a holiday. Mr. Holmes stated that he would not have approved Mr. Alvarado's time records showing Mr. Alvarado worked 8:00 a.m. to 5:00 p.m. if he had known Mr. Alvarado was not working those hours.

IV. ANALYSIS

A. Mr. Alvarado Violated IDPH's Prohibition Against Sexual Harassment

The IDPH Employee Handbook states that "[i]t is the responsibility of each individual employee to refrain from sexual harassment, and it is the right of each employee to work in an environment free from sexual harassment." The Handbook references the Illinois Human Rights Act's⁴⁰ definition of sexual harassment, and directs employees to IDPH Directive 05-01, "Prohibition of Sexual Harassment," which defines sexual harassment in the same manner, in part, as:

any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when . . . such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.⁴¹

The Directive specifically defines a hostile working environment as one where an individual witnesses or is subjected to behavior that he or she finds threatening or offensive, including verbal, non-verbal, visual, and physical behavior.⁴²

⁴⁰ 775 ILCS 5/2-101(E).

⁴¹ IDPH Employee Directive 05-01 (issued Nov. 1, 2005; revised July 25, 2017).

⁴² IDPH Employee Directive 05-01.

Per the Directive, examples of verbally harassing behavior can include, but are not limited to: sexual innuendos; suggestive comments; insults, rumors and jokes about sex, anatomy or gender specific traits; personal questions; and statements of a sexual nature made about other employees, even outside of their presence. Examples of physical behavior that may be construed as hostile include, but are not limited to, massaging someone's neck or shoulders; unwelcome hugging or kissing; and pulling at someone's clothing.⁴³ The Directive indicates that a "victim's perception of behavior is often what determines whether harassment has occurred, regardless of intent," and clarifies that a "victim of sexual harassment does not have to be the direct target of the harassment; an employee who witnesses harassing behavior or is offended or otherwise affected by the behavior is also a victim."

This investigation revealed that Mr. Alvarado has engaged in repeated physical conduct with IDPH staff and other professional colleagues that meets IDPH's definition of sexual harassment. [Employee 5] reported that Mr. Alvarado greets some IDPH colleagues with a hug. Moreover, several IDPH employees reported that Mr. Alvarado regularly greets either themselves or colleagues with a kiss on the lips at the IDPH office. Many IDPH employees who witnessed or were subjected to this touching and kissing by Mr. Alvarado found it to be unwelcome and offensive. Three IDPH employees told [Employee 5] that they were uncomfortable with Mr. Alvarado hugging them and many IDPH employees who reported witnessing Mr. Alvarado greeting colleagues with a kiss on the lips stated they believed that it was "odd" or "unprofessional." [Employee 2], whom Mr. Alvarado subjected to unwelcome kissing in the IDPH the office during the work day, stated the kissing made him feel uncomfortable, reported Mr. Alvarado's conduct to his ([Employee 2's]) supervisor, and stated he now turns his head away from Mr. Alvarado to stop him from continuing to kiss him in greeting. Additionally, two IDPH supervisors, [Employee 5] and [Employee 4], stated that Mr. Alvarado's unwelcome hugging and kissing made some of their subordinates so uncomfortable that they were forced to discuss his behavior with staff and devise a strategy of dealing with the employee's discomfort.

Mr. Alvarado said that he hugs IDPH employees, and admitted that he greets people he is "close to" by kissing them on the lips; Mr. Alvarado specifically admitted to greeting [Employee 4], [Official 1], and [Official 2] in this way. Regarding other people he may have greeted in this way, Mr. Alvarado stated he only greets people in this manner if the other person initiated the contact. However, while a kiss on the lips may be an appropriate greeting in a social setting, it is inherently intimate and therefore inappropriate for a professional setting. Further, while Mr. Alvarado claims he only greets people in this way if he believes that they welcome this hyper-familiar interaction, he is obviously unable to accurately read the body language of those who wish to avoid this greeting, like [Employee 2].

Individuals interviewed in this investigation also reported that Mr. Alvarado engaged in unwanted touching of an IDPH Intern. During his interview with investigators, Intern A detailed an incident in the IDPH office where Mr. Alvarado came into Intern A's office, bent over in front of Intern A, and asked Intern A to stretch his (Mr. Alvarado's) back. Intern A stated that he pushed on Mr. Alvarado's lower back even though it made him feel awkward. [Employee 11] stated she witnessed this incident and opined that Intern A appeared obviously uncomfortable, which made her also feel uncomfortable. [Employee 3] confirmed that Intern A reported this incident to her as

⁴³ *Id.*

his supervisor and stated she told Intern A that if anything like that ever happened again, or if Mr. Alvarado made him feel uncomfortable, Intern A could say that he had a meeting with her to get out of the situation.

Although Mr. Alvarado denied this incident occurred, OEIG investigators find that Intern A's account of this incident is credible based, in part, on corroborating witness statements, the fact that he reported the incident to his work supervisor right away, and the lack of evidence of motivation for deception. Further, the behavior as described by Intern A was intimate and invasive and especially inappropriate considering Intern A's status as a low-level volunteer who reported to [redacted].

Mr. Alvarado did not limit his inappropriate and offensive physical conduct to the IDPH office. Instead, Mr. Alvarado kissed people on the lips in greeting so frequently that IDPH employees, Chicago Public Health Department employees, NASTAD employees, and a [Contracting Agency] employee all reported regularly witnessing that conduct by Mr. Alvarado outside the IDPH office at professional events. Again, people who witnessed this behavior stated they thought it was unprofessional or inappropriate and [Employee 3] reported the behavior to her supervisor and stated that it made her feel uncomfortable. Importantly, [Contractor 1], a professional colleague whom Mr. Alvarado regularly subjected to this behavior in a professional setting, stated that it made him feel uncomfortable and he now turns his head away from Mr. Alvarado to stop him from continuing to kiss him on the lips in greeting. Likewise, [Contractor 1] reported that he has spoken with [Employee 10], and two other professional colleagues about their shared discomfort regarding their interactions with Mr. Alvarado and how they can avoid having Mr. Alvarado kiss them on the lips.

In addition, it was reported that when Student B was an undergraduate student, he ran into Mr. Alvarado at a bar following a professional conference and Mr. Alvarado reached out and stroked Student B's chest and chest hair where his shirt was unbuttoned. Student B stated that he immediately ended the conversation, told Mr. Alvarado he needed to leave, and left the bar. Although Student B stated he later reached out to Mr. Alvarado via email, he said it made him uncomfortable and he only did so because he felt that Mr. Alvarado was the person in the State of Illinois to go to for HIV/AIDS-related information. Further, NASTAD was so troubled by the reports that Mr. Alvarado had made employees uncomfortable by engaging in unprofessional "flirty" and "touchy" behavior that they immediately flew two high-level administrators to Chicago to counsel him about it. These repeated incidents of unwelcome and offensive physical conduct exhibited even outside of the IDPH office demonstrate the frequency with which Mr. Alvarado conducts himself in this matter and gives credence to the conclusion that he created a hostile work environment in the IDPH office in this way.

Based on this evidence, the OEIG concludes that Mr. Alvarado engaged in unwanted kissing and touching of IDPH staff and other professional colleagues, which people found offensive, thereby creating a hostile work environment for numerous people, including both the recipients of Mr. Alvarado's advances and their colleagues who observed them. Therefore, the

allegation that Mr. Alvarado violated IDPH Directive 05-01, “Prohibition of Sexual Harassment,” is **FOUNDED**.⁴⁴

On November 16, 2017, Section 5-65 of the State Officials and Employees Ethics Act (Ethics Act) went into effect, creating a prohibition on sexual harassment.⁴⁵ While Mr. Alvarado has engaged in inappropriate sexual conduct, the investigation did not identify any individual incidents of sexual harassment that clearly occurred after the effective date of Section 5-65 and related provision. Therefore, the OEIG is not making a finding that Mr. Alvarado violated the sexual harassment provisions of the Ethics Act.

B. Mr. Alvarado Violated IDPH Directive On Professional Conduct

IDPH Employee Directive 16-06, establishes a code of personal and professional conduct by which all IDPH employees must abide. The general provisions contained in the directive state that “[a]ll IDPH personnel shall follow all guidelines, directives, and policies of IDPH[,] . . . [and] [r]espect and consideration shall be given to other employees and their needs and concerns in the work environment.”⁴⁶ This Directive also incorporates the State of Illinois Code of Personal Conduct, which states that State employees must conduct themselves “with integrity and in a manner that reflects favorably upon the State.”⁴⁷

During her interview with OEIG investigators, [Employee 3] reported that Mr. Alvarado made numerous sexually inappropriate comments to her at work. [Employee 3] reported that, among other statements, Mr. Alvarado inquired whether she knew the sexual orientation of certain IDPH employees, asked her whether she thought that a certain IDPH employee was “hot,” and offered to bring an International Men of Leather Catalog into work so her husband could pick out a thong to wear to the beach. Similarly, [Employee 6] reported that Mr. Alvarado asked his opinion regarding the appearance of certain IDPH employees and opined to him that the same IDPH employee was “hot.” While Mr. Alvarado denies making these statements, OEIG investigators determined that the accounts of [Employee 3] and [Employee 6] were credible in part because of the similarity of conduct they described.

[Employee 3] stated that while any of the comments on their own may be inconsequential, Mr. Alvarado made many comments, and that they bothered her. In fact, [Employee 3] noted that due to the frequency with which Mr. Alvarado made sexually inappropriate comments, she devised a strategy for avoiding these topics with him. Although personal questions and statements of a sexual nature made about other employees can qualify as sexual harassment under the IDPH definition, neither [Employee 3] or [Employee 6] specifically stated that they found these comments by Mr. Alvarado to be threatening or offensive. Thus, they did not rise to the level of creating a hostile work environment. However, while there is insufficient evidence to find that

⁴⁴ The OEIG concludes that an allegation is “founded” when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

⁴⁵ P.A. 100-0554.

⁴⁶ IDPH Employee Directive 16-06 (issued Oct. 18, 2016).

⁴⁷ The State of Illinois Code of Personal Conduct was adopted pursuant to section IV of Executive Order 16 4 (issued: Feb. 26, 2016), available at <https://www2.illinois.gov/sites/TeamIllinois/Documents/Code-of-Personal-Conduct.pdf> (last visited April 15, 2019).

these statements violated IDPH's sexual harassment policy, these statements were completely inappropriate for the workplace and in violation of IDPH Directive 16-06 and the State of Illinois Code of Personal Conduct.

Additionally, this investigation revealed that Mr. Alvarado spoke in an aggressive or "abusive" tone to at least four IDPH employees during the workday: [Employee 7], [Employee 9], [Employee 6], and [Employee 3]. Other employees corroborated the statements made by each employee subjected to this treatment. Ms. Lamb and others also reported that Mr. Alvarado had raised his voice and spoken in an "inappropriate tone" during meetings. [Employee 7] stated she sought counseling because of Mr. Alvarado's behavior towards her, and [Employee 3] stated she finds it offensive when Mr. Alvarado yells at her or others at work. [Employee 9] reported that Mr. Alvarado's behavior has made the IDPH office an increasingly hostile and unpredictable place to work.

Mr. Alvarado denied that he generally raises his voice or yells at work, but conceded that he had once yelled at [Employee 7], had a "heated" discussion with [Employee 6] that included raised voices, and had "intense" conversations with [Employee 3]. While he generally denied engaging in such behavior, Mr. Alvarado agreed that it is not respectful for a supervisor to yell at subordinates and agreed that such behavior creates a hostile work environment.

As a supervisor and Chief of the entire HIV/AIDS Section, Mr. Alvarado is in a position of trust and held to a high professional standard. His sexually based comments and aggressive tone in the workplace were completely inappropriate and unacceptable. Thus, the OEIG concludes that Mr. Alvarado engaged in a pattern of verbally abusive behavior towards IDPH staff that was not respectful and did not reflect favorably on the State. Therefore, the allegation that Mr. Alvarado violated IDPH Directive 16-06 and the State of Illinois Code of Personal Conduct, is **FOUNDED**.

C. Mr. Alvarado Falsified His CMS-100 Employment Applications

This investigation revealed that Mr. Alvarado submitted two CMS-100 applications. On both applications, Mr. Alvarado checked "No" in response to the question asking whether he had ever been fired from a job. On the application materials for the positions, Mr. Alvarado indicated that he left his employment at AltaMed "for a better opportunity" or "for a promotion (better opportunity)." While the application in Mr. Alvarado's personnel file related to the position in IDPH's Women's Health Section lacked a signature, the application related to Mr. Alvarado's current position bore a signature in the name of Mr. Alvarado. By signing the second CMS-100, Mr. Alvarado certified that the information he provided on the application was true, and acknowledged that misrepresentation of any material fact could be grounds for termination of employment.

The documents pertaining to Mr. Alvarado's case before the Physician Assistant Committee of the Medical Board of California reflect that "[a]s a result of patient complaints of sexual misconduct, [Mr. Alvarado] was dismissed from his position at AltaMed for conducting inappropriate relationships." Additionally, during his interview with OEIG investigators, Mr. Alvarado admitted that he had been fired by AltaMed following his license revocation. Thus,

according to Mr. Alvarado's own statements, the answers he gave on the CMS-100 applications to question 10A were false. Mr. Alvarado attempted to explain his false answers by stating that he did not think he needed to report his firing from AltaMed because he did not believe the question was asking about jobs outside of Illinois or State government or was only asking about jobs within a short timeframe. However, Mr. Alvarado later acknowledged that there was nothing in the question that limited the inquiry to a specific time or job. Thus, the allegation that Mr. Alvarado provided false information on his CMS-100 employment applications is **FOUNDED**.

D. IDPH's Handling Of Complaints Against Mr. Alvarado

The OEIG recognizes that conducting an investigation is not always easy and there can be differences in approach, interpretation, and decision-making when it comes to pursuing such a matter. While the OEIG does not make a finding of wrongdoing on the part of any IDPH employee for their lack of action, there are two significant issues that are particularly troubling.

First, with regard to the inquiry into Mr. Alvarado's CMS-100 applications, IDPH made little to no effort to determine whether Mr. Alvarado had falsely stated on his IDPH employment applications that he had never been fired. After learning of the allegation, IDPH found public information on a California government website indicating that an administrative body there had noted that "[a]s a result of patient complaints of sexual misconduct, [Mr. Alvarado] was dismissed from his position at AltaMed for conducting inappropriate relationships." IDPH decided to interpret this to mean that Mr. Alvarado "*may*" not have been fired, rather than attempt to learn the truth. No one at IDPH attempted to contact Mr. Alvarado's previous employer to investigate the matter. More importantly, no one even asked Mr. Alvarado whether he had been terminated by AltaMed, even when Mr. Shah discussed this issue with Mr. Alvarado.

Second, when IDPH received the August 14, 2017 complaint that involved allegations of sexual harassment by Mr. Alvarado, IDPH failed to refer any portion of the complaint to [Employee 12], the EEO Officer who bears responsibility for investigating sexual harassment allegations immediately upon notification. Instead, members of IDPH's administration that decided the outcome of this complaint stated there was nothing they could do to investigate the inappropriate sexual conduct allegation at least, in part, because the complaint had been made anonymously. However, IDPH Directive 05-01, "Prohibition of Sexual Harassment," states that "[a]ll charges, **including anonymous complaints**, will be accepted and **investigated** regardless of how the matter comes to the attention of IDPH." (emphasis added) While witnesses may not appear readily available from an anonymous complaint, or it is decided that an inquiry of coworkers is not appropriate, at the very least an agency can inquire of the alleged wrongdoer before summarily dismissing allegations. As with the above CMS-100 applications, no one at IDPH even asked Mr. Alvarado about the alleged activity.

Although the OEIG is not making a finding with regard to this lack of action or inquiry, it strongly recommends that IDPH review its current procedures for addressing complaints or allegations of wrongdoing.

E. Mr. Alvarado Abused State Time And Failed To Accurately Report His Time

IDPH Directive 16-02 “requires all employees to report to work on time, use benefit time appropriately, and follow all established rules and policies regarding timekeeping issues.” The Directive requires IDPH employees to “account for all hours of their official work schedule either by working or utilizing appropriate benefit time.”⁴⁸ The Directive also requires employees to “[o]btain approval from the supervisor prior to taking time off from work and/or prior to working outside of official work schedule” and to “submit a complete and accurate weekly timesheet to supervisors.”

The IDPH Employee Handbook states that “[e]ach employee is expected to complete their Time Report in eTime to accurately reflect (a) time spent on official State business; and (b) authorized leave to the nearest quarter hour” and that “[a]ll employees are expected to submit weekly the Time Report, confirming accuracy.” The IDPH Employee Handbook also cautions that IDPH has an affirmative attendance policy, which states that “unauthorized absences shall be those absences for which time is not approved” and indicates that “[t]he threshold between late arrival and unauthorized absence is one hour after the starting time.”

The OEIG’s review of Mr. Alvarado’s time records and building swipe records between June 1, 2017 and June 30, 2018, revealed 25 days on which Mr. Alvarado did not appear to attend work at all and did not submit a leave request to use benefit time but reported on his time record that he worked a full day. Although Mr. Alvarado was disciplined by IDPH for unauthorized absences for 3 days not included in the OEIG chart above,⁴⁹ these additional 25 days found by the OEIG have not yet been addressed by IDPH.

In addition to the days where there was no swipe record, on at least two other occasions, Mr. Alvarado submitted a leave request to use benefit time for a portion of the work day, but did not swipe into any IDPH office for the remainder of the day. On 164 other occasions, Mr. Alvarado arrived at the IDPH office later than the time he recorded on his time record. Of those 164 days, on 127 days Mr. Alvarado did not swipe into work until one hour or more after the time he recorded on his time record, which constituted an unauthorized absence rather than a late arrival, according to IDPH’s affirmative attendance policy. Again, for these days Mr. Alvarado did not submit a leave request to use benefit time.

The OEIG asked Mr. Alvarado about several of the days on which the building access log reflects that he did not attend work or arrived after his time records reflect he started his day. Mr. Alvarado confirmed that he is not permitted to work from home or at an alternate work location and gave a variety of explanations for the discrepancies, including issues with the swipe card system at IDPH’s Chicago office, that he may have been at a meeting offsite that was not on his Outlook calendar, and that Mr. Holmes, his previous supervisor, extended him a “professional courtesy” and “flexibility” with his work schedule. Mr. Alvarado acknowledged that these same

⁴⁸ The State of Illinois Code of Personal Conduct also states that a State Employee may not “falsify or knowingly fail to correct false information contained in official documentation or in an official record related to the performance of such State Employee’s job duties.”

⁴⁹ While OEIG investigators saw these three unauthorized absences in Mr. Alvarado’s time records, the OEIG did not include those dates in the charts above because they had already been addressed by IDPH.

attendance issues would continue through the year of records obtained by the OEIG and stated these same explanations would be his justification for those inconsistencies.

However, a sampling of swipe records for three other IDPH employees that work in the Chicago office show that they swiped into the same door generally used by Mr. Alvarado around the time he was scheduled to begin work on days Mr. Alvarado did not swipe in. Moreover, there was no issue reported regarding the office doors in Springfield and there are numerous days where Mr. Alvarado did not swipe into work there on days he reported working there. Further, Mr. Holmes denied providing Mr. Alvarado with professional courtesy or flexibility to arrive late or leave early and stated that he “definitely” required Mr. Alvarado to submit a leave request or use benefit time if he missed any work. Even had Mr. Holmes provided Mr. Alvarado this flexibility, Mr. Holmes supervised Mr. Alvarado from November 2015 to June 2017, but from June 2017 to August 2018, the period for which Mr. Alvarado’s time records were reviewed, Ms. Lamb acted as Mr. Alvarado’s supervisor and Mr. Alvarado admitted that Ms. Lamb had not extended him the same “professional courtesy” that Mr. Holmes had. Thus, Mr. Alvarado’s potential excuses for his work attendance issues lack credibility.

Even apart from the evidence that Mr. Alvarado abused State time, at the very least he had a duty to accurately and truthfully record the time he spent on official State business. The evidence shows that on numerous occasions, Mr. Alvarado recorded working his normal work hours when he did not actually work those hours. Therefore, the allegations that Mr. Alvarado abused State time and failed to accurately and truthfully report information on his time records by recording that he worked during time he was not at work, are **FOUNDED**.

V. FINDINGS AND RECOMMENDATIONS

As a result of its investigation, the OEIG concludes that there is **REASONABLE CAUSE TO ISSUE THE FOLLOWING FINDINGS:**

- **FOUNDED** – IDPH HIV/AIDS Section Chief Eduardo Alvarado engaged in conduct of a sexual nature that had the effect of creating an intimidating, hostile, or offensive working environment, in violation of IDPH Directive 05-01, “Prohibition of Sexual Harassment.”
- **FOUNDED** – IDPH HIV/AIDS Section Chief Eduardo Alvarado engaged in verbally abusive behavior towards IDPH staff that was not respectful and did not reflect favorably on the State, in violation of IDPH Directive 16-06, and the State of Illinois Code of Personal Conduct.

FOUNDED – IDPH HIV/AIDS Section Chief Eduardo Alvarado falsified his IDPH applications by claiming he had not been fired from previous employment.

- **FOUNDED** – IDPH HIV/AIDS Section Chief Eduardo Alvarado abused State time and failed to accurately and truthfully report information on his time records by recording that he worked during time he had not, in violation of the IDPH Employee Handbook and IDPH Directive.

Based on these findings, the OEIG recommends that IDPH terminate Mr. Alvarado and place a letter in his personnel file indicating he should never be rehired into State employment.

As discussed above, the OEIG strongly recommends that IDPH review its current procedures for addressing complaints or allegations of wrongdoing and ensure appropriate personnel understand and implement such procedures.

No further action is necessary and this matter is considered closed.

Date: **May 15, 2019**

Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 West Washington Street, Ste. 3400
Chicago, IL 60602

By: **Kelly Fasbinder, # 146**
Assistant Inspector General

Kathryn Schwass, # 138
Investigator

Appendix 1

Date	Location	Time in on Time Records	Time in on building access log	Difference (in minutes)
June 1, 2017	Springfield	8:00 a.m.	8:39 a.m.	39
June 2, 2017	Springfield	8:00 a.m.	8:27 a.m.	27
June 5, 2017	Chicago	8:00 a.m.	10:41 a.m.	161
June 6, 2017	Chicago	8:00 a.m.	10:35 a.m.	155
June 7, 2017	Chicago	8:00 a.m.	10:47 a.m.	167
June 8, 2017	Chicago	8:00 a.m.	9:59 a.m.	119
June 12, 2017	Chicago	8:00 a.m.	1:42 p.m.	647
June 13, 2017	Chicago	8:00 a.m.	10:35 a.m.	155
June 15, 2017	Chicago	8:00 a.m.	8:33 a.m.	33
June 16, 2017	Chicago	8:00 a.m.	9:29 a.m.	89
June 19, 2017	Springfield	8:00 a.m.	9:50 a.m.	110
June 20, 2017	Springfield	8:00 a.m.	9:05 a.m.	65
June 21, 2017	Springfield	8:00 a.m.	8:57 a.m.	57
June 26, 2017	Chicago	8:00 a.m.	9:55 a.m.	115
June 27, 2017	Chicago	8:00 a.m.	9:18 a.m.	78
June 28, 2017	Chicago	8:00 a.m.	9:41 a.m.	101
July 10, 2017 ¹	Chicago	8:00 a.m.	9:48 a.m.	108
July 11, 2017	Chicago	8:00 a.m.	9:06 a.m.	66
July 12, 2017	Chicago	8:00 a.m.	9:39 a.m.	99
July 13, 2017	Chicago	8:00 a.m.	8:46 a.m.	46
July 14, 2017	Chicago	8:00 a.m.	8:43 a.m.	43
July 17, 2017	Chicago	8:00 a.m.	10:40 a.m.	160
July 24, 2017	Springfield	8:00 a.m.	9:03 a.m.	63
July 25, 2017	Springfield	8:00 a.m.	8:27 a.m.	27
July 26, 2017	Springfield	8:00 a.m.	9:18 a.m.	78
July 31, 2017	Chicago	8:00 a.m.	9:51 a.m.	111
August 1, 2017	Chicago	8:00 a.m.	9:29 a.m.	29
August 3, 2017	Chicago	8:00 a.m.	8:53 a.m.	53
August 8, 2017	Chicago	8:00 a.m.	8:31 a.m.	31
August 14, 2017	Chicago	8:00 a.m.	9:03 a.m.	63
August 15, 2017	Chicago	8:00 a.m.	10:01 a.m.	121
August 16, 2017	Chicago	8:00 a.m.	12:25 a.m.	265
August 23, 2017	Springfield	8:00 a.m.	8:33 a.m.	33
August 24, 2017	Springfield	8:00 a.m.	8:36 a.m.	36
August 28, 2017	Chicago	8:00 a.m.	10:26 a.m.	146
August 29, 2017	Chicago	8:00 a.m.	9:11 a.m.	71
August 30, 2017	Chicago	8:00 a.m.	8:30 a.m.	30
August 31, 2017	Chicago	8:00 a.m.	8:49 a.m.	49
September 5, 2017	Chicago	8:00 a.m.	11:08 a.m.	188
September 6, 2017	Chicago	8:00 a.m.	9:29 a.m.	89
September 7, 2017	Chicago	8:00 a.m.	9:00 a.m.	60
September 11, 2017	Chicago	8:00 a.m.	9:32 a.m.	92
September 12, 2017	Chicago	8:00 a.m.	9:46 a.m.	106
September 13, 2017	Chicago	8:00 a.m.	12:14 p.m.	254

¹ Mr. Alvarado's Outlook calendar shows an appointment at CDPH from 8:00 a.m. to 9:00 a.m.

September 14, 2017 ²	Chicago	8:00 a.m.	10:57 a.m.	177
September 19, 2017	Chicago	8:00 a.m.	11:29 a.m.	209
September 20, 2017	Chicago	8:00 a.m.	9:33 a.m.	93
September 21, 2017	Chicago	8:00 a.m.	11:39 a.m.	219
September 22, 2017	Chicago	8:00 a.m.	10:25 a.m.	145
September 26, 2017	Chicago	8:00 a.m.	9:58 a.m.	118
October 2, 2017	Chicago	8:00 a.m.	9:31 a.m.	91
October 3, 2017	Chicago	8:00 a.m.	9:42 a.m.	102
October 4, 2017	Chicago	8:00 a.m.	9:06 a.m.	66
October 5, 2017	Chicago	8:00 a.m.	8:54 a.m.	54
October 6, 2017	Chicago	8:00 a.m.	8:42 a.m.	42
October 18, 2017	Springfield	8:00 a.m.	8:46 a.m.	46
October 19, 2017	Springfield	8:00 a.m.	9:11 a.m.	71
October 20, 2017	Chicago	8:00 a.m.	8:53 a.m.	53
October 25, 2017	Chicago	8:00 a.m.	8:47 a.m.	47
October 26, 2017	Chicago	8:00 a.m.	2:08 p.m.	368
October 30, 2017	Chicago	8:00 a.m.	10:26 a.m.	146
October 31, 2017	Chicago	8:00 a.m.	11:33 a.m.	213
November 1, 2017	Chicago	8:00 a.m.	8:52 a.m.	52
November 2, 2017	Chicago	8:00 a.m.	9:05 a.m.	65
November 3, 2017	Chicago	8:00 a.m.	9:24 a.m.	84
November 6, 2017 ³	Chicago	8:00 a.m.	9:51 a.m.	111
November 7, 2017	Chicago	8:00 a.m.	8:52 a.m.	52
November 8, 2017	Chicago	8:00 a.m.	9:10 a.m.	70
November 9, 2017	Chicago	8:00 a.m.	8:58 a.m.	58
November 14, 2017	Springfield	8:00 a.m.	8:36 a.m.	36
November 15, 2017	Springfield	8:00 a.m.	8:35 a.m.	35
November 20, 2017	Chicago	8:00 a.m.	11:16 a.m.	136
November 28, 2017 ⁴	Chicago	8:00 a.m.	11:47 a.m.	227
November 29, 2017	Chicago	8:00 a.m.	10:02 a.m.	122
November 30, 2017 ⁵	Chicago	8:00 a.m.	12:36 a.m.	276
December 4, 2017	Chicago	8:00 a.m.	10:42 a.m.	162
December 5, 2017	Chicago	8:00 a.m.	12:53 p.m.	293
December 6, 2017	Chicago	8:00 a.m.	9:20 a.m.	80
December 7, 2017	Chicago	8:00 a.m.	10:21 a.m.	141
December 13, 2017	Springfield	8:00 a.m.	9:03 a.m.	63
December 18, 2017	Chicago	8:00 a.m.	9:32 a.m.	92
December 19, 2017	Chicago	8:00 a.m.	9:14 a.m.	74
December 20, 2017	Chicago	8:00 a.m.	9:42 a.m.	102
December 29, 2017	Chicago	8:00 a.m.	12:06 p.m.	246
January 3, 2018	Chicago	8:00 a.m.	3:16 p.m.	436
January 4, 2018	Chicago	8:00 a.m.	11:34 a.m.	214
January 8, 2018	Chicago	8:00 a.m.	10:03 a.m.	123
January 9, 2018	Chicago	8:00 a.m.	1:07 p.m.	307

² Mr. Alvarado's Outlook calendar shows a meeting outside the IDPH office from 9:00 a.m. to 10:00 a.m.

³ Mr. Alvarado's Outlook calendar shows that he is "out for Drs. Apt." from 8:30 a.m. to 10:00 a.m. but he did not submit a leave request that day.

⁴ Mr. Alvarado's Outlook calendar shows a meeting outside of the IDPH office from 9:30 a.m. to 11:00 a.m.

⁵ Mr. Alvarado's Outlook calendar shows a meeting outside of the IDPH office from 10:00 a.m. to 12:00 p.m.

January 10, 2018	Chicago	8:00 a.m.	1:47 p.m.	347
January 16, 2018	Chicago	8:00 a.m.	8:58 a.m.	58
January 17, 2018	Chicago	8:00 a.m.	9:50 a.m.	110
January 18, 2018	Chicago	8:00 a.m.	1:26 p.m.	326
January 23, 2018	Springfield	8:00 a.m.	9:02 a.m.	62
January 24, 2018	Springfield	8:00 a.m.	9:12 a.m.	72
January 25, 2018	Springfield	8:00 a.m.	8:21 a.m.	21
January 30, 2018	Chicago	8:00 a.m.	11:33 a.m.	213
February 1, 2018	Chicago	8:00 a.m.	9:29 a.m.	89
February 5, 2018	Chicago	8:00 a.m.	9:12 a.m.	72
February 7, 2018	Chicago	8:00 a.m.	9:04 a.m.	64
February 8, 2018	Chicago	8:00 a.m.	9:44 a.m.	104
February 9, 2018	Chicago	8:00 a.m.	9:01 a.m.	61
February 13, 2018	Chicago	8:00 a.m.	8:48 a.m.	48
February 15, 2018	Chicago	8:00 a.m.	2:57 p.m.	417
February 21, 2018	Springfield	8:00 a.m.	8:34 a.m.	34
February 22, 2018	Springfield	8:00 a.m.	8:18 a.m.	18
February 26, 2018	Chicago	8:00 a.m.	9:35 a.m.	95
February 27, 2018	Chicago	8:00 a.m.	9:56 a.m.	116
February 28, 2018	Chicago	8:00 a.m.	3:13 p.m.	433
March 1, 2018 ⁶	Chicago	8:00 a.m.	11:30 a.m.	210
March 5, 2018	Chicago	8:00 a.m.	9:32 a.m.	92
March 6, 2018	Chicago	8:00 a.m.	10:24 a.m.	144
March 9, 2018	Chicago	8:00 a.m.	9:14 a.m.	74
March 12, 2018 ⁷	Chicago	8:00 a.m.	12:49 p.m.	289
March 13, 2018	Chicago	8:00 a.m.	10:42 a.m.	162
March 14, 2018	Chicago	8:00 a.m.	10:47 a.m.	167
March 15, 2018	Chicago	8:00 a.m.	1:26 p.m.	326
March 20, 2018	Springfield	8:00 a.m.	9:04 a.m.	64
March 21, 2018	Springfield	8:00 a.m.	9:09 a.m.	69
March 27, 2018	Chicago	8:00 a.m.	12:10 p.m.	250
March 28, 2018	Chicago	8:00 a.m.	9:12 a.m.	72
March 29, 2018	Chicago	8:00 a.m.	8:52 a.m.	52
April 3, 2018	Chicago	8:00 a.m.	10:32 a.m.	152
April 4, 2018	Chicago	8:00 a.m.	12:50 p.m.	290
April 5, 2018	Chicago	8:00 a.m.	10:41 a.m.	161
April 9, 2018	Chicago	8:00 a.m.	9:56 a.m.	116
April 10, 2018	Chicago	8:00 a.m.	11:54 a.m.	234
April 11, 2018	Chicago	8:00 a.m.	10:08 a.m.	128
April 12, 2018	Chicago	8:00 a.m.	8:36 a.m.	36
April 16, 2018	Chicago	8:00 a.m.	8:50 a.m.	50
April 17, 2018	Chicago	8:00 a.m.	12:51 p.m.	291
April 19, 2018	Chicago	8:00 a.m.	11:42 a.m.	222
April 20, 2018	Chicago	8:00 a.m.	9:07 a.m.	67
April 24, 2018	Springfield	8:00 a.m.	9:12 a.m.	72
April 25, 2018	Springfield	8:00 a.m.	9:24 a.m.	84

⁶ Mr. Alvarado's Outlook calendar shows a meeting outside of the IDPH office from 9:30 a.m. to 11:00 a.m.

⁷ Mr. Alvarado's Outlook calendar shows "Dentist apt." from 10:30 a.m. to 11:30 a.m. but he did not submit a leave request that day.

April 26, 2018	Springfield	8:00 a.m.	9:03 a.m.	63
April 27, 2018	Springfield	8:00 a.m.	3:46 p.m.	466
April 30, 2018	Chicago	8:00 a.m.	2:43 p.m.	403
May 1, 2018	Chicago	8:00 a.m.	1:31 p.m.	331
May 2, 2018	Chicago	8:00 a.m.	8:52 a.m.	52
May 3, 2018	Chicago	8:00 a.m.	12:38 p.m.	278
May 7, 2018	Chicago	8:00 a.m.	12:27 p.m.	267
May 8, 2018	Chicago	8:00 a.m.	10:01 a.m.	121
May 9, 2018	Chicago	8:00 a.m.	12:45 p.m.	285
May 14, 2018	Chicago	8:00 a.m.	9:43 a.m.	103
May 15, 2018	Chicago	8:00 a.m.	9:45 a.m.	105
May 16, 2018	Chicago	8:00 a.m.	10:46 a.m.	166
May 24, 2018	Chicago	8:00 a.m.	9:37 a.m.	97
May 30, 2018	Springfield	8:00 a.m.	9:07 a.m.	67
June 1, 2018	Springfield	8:00 a.m.	8:33 a.m.	33
June 4, 2018	Chicago	8:00 a.m.	10:00 am.	120
June 5, 2018	Chicago	8:00 a.m.	11:54 a.m.	234
June 6, 2018	Chicago	8:00 a.m.	2:56 p.m.	416
June 7, 2018 ⁸	Chicago	8:00 a.m.	5:59 p.m.	599
June 11, 2018	Chicago	8:00 a.m.	8:38 a.m.	38
June 12, 2018	Chicago	8:00 a.m.	10:30 a.m.	150
June 14, 2018	Chicago	8:00 a.m.	10:41 a.m.	161
June 15, 2018 ⁹	Chicago	8:00 a.m.	10:13 a.m.	133
June 18, 2018	Chicago	8:00 a.m.	11:43 a.m.	223
June 19, 2018	Chicago	8:00 a.m.	11:39 a.m.	219
June 21, 2018	Chicago	8:00 a.m.	10:06 a.m.	126
June 25, 2018	Chicago	8:00 a.m.	11:44 a.m.	224
June 26, 2018	Springfield	8:00 a.m.	8:22 a.m.	22
June 27, 2018	Springfield	8:00 a.m.	8:21 a.m.	21
June 28, 2018	Springfield	8:00 a.m.	8:51 a.m.	51
Total				22,706

⁸ Mr. Alvarado's Outlook calendar shows a meeting outside of the IDPH office from 10:00 a.m. to 1:30 p.m.

⁹ Mr. Alvarado's Outlook calendar shows a meeting outside of the IDPH office from 9:00 a.m. to 10:00 a.m.



Office of Executive Inspector General

for the Agencies of the Illinois Governor

www.inspectorgeneral.illinois.gov

AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY RESPONSE FORM

Case Number: 17-01670

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)


☒ We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

IDPH accepted the OEIG recommendations and proceeded for termination of the subject employee. In the termination meeting, the employee tendered his resignation effective immediately (see attached) to the Chief of Staff (COS) and EEO Officer. IDPH COS pointed to the OEIG recommendation for termination and for annotating the employee file in re the employee not being eligible for rehire by the State of Illinois.

☐ We will implement some or all of the OEIG recommendations but will require additional time to do so.

We will report to OEIG within _____ days from the original return date.

☐ We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:


Signature

JUSTIN T. DEWITT
Print Name

IDPH-CHIEF OF STAFF
Print Agency and Job Title

6/5/19
Date

22
May 21, 2019

Ngozi Ezike, MD

Director, Illinois Department of Public Health

Ng
Dear Director Ezike,

Last week's monumental launch of Getting to Zero was a very proud moment for me, personally and professionally. Thank you for your sincerity, and for fighting to have me there at your side. Getting to Zero is the culmination of three years of unwavering dedication, passion and commitment to communities vulnerable to and living with HIV throughout Illinois. , it was also a moment of honor—knowing that I co-created a blueprint for Illinois's path toward ending the epidemic. I hope the Department's HIV Section can continue to be a critical partner in this effort.

Years ago, Those who came to my aid, and ultimately saved my life, were true public health champions. They prioritized quality of life, and built systems that valued empathy and compassion-over bureaucracy. At that moment, I picked myself up, and became a social servant devoted to public health and the HIV epidemic.

Today, I put my own needs first and tender my resignation from the Illinois Department of Public Health. This plan has inspired me to get back to Community, Advocacy, and perhaps even direct services.

It has been an honor to serve the 39,390 clients living with HIV and AIDS in Illinois. I hope I have made a difference in their lives, made their burden a little more tolerable, and their aspirations more attainable. I will continue my fight for those that lack agency and voice, I will continue to advocate for the LGBTQ and HIV communities, and I will continue to give my all to Getting to Zero. I sincerely hope the role of AIDS Director can one day be more than a content expert, and give voice in decisions that impact operations and staffing.

I leave the care of the HIV Section in wonderful hands. Andrea Danner has been fighting for our communities for 30 years. She does so unapologetically and without fanfare. She is brilliant, kind, and can easily continue the great work of the GTZ legacy.

Very truly yours,

Eduardo Alvarado

Chadwick
May 27 2019